A

VISIT

TO THE

PHILADELPHIA PRISON;

Being an accurate and particular Account

Of the Wise and Humane Administration

Adopted in every Part of that Building;

CONTAINING ALSO

AN ACCOUNT OF THE GRADUAL REFORMATION,

AND PRESENT

IMPROVED STATE,

OF THE

PENAL LAWS OF PENNSYLVANIA:

WITH

OBSERVATIONS

ON THE

IMPOLICY AND INJUSTICE

OF

CAPITAL PUNISHMENTS.

In a Letter to a Friend.

By ROBERT J. TURNBULL,

OF SOUTH CAROLINA.

"Vitiorum semina—otium—labore exhauriendum."

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PREFACE.

THE following ſheets originally made their appearance in the CHARLESTON Daily Gazette, ſome time in the month of February laſt; and are now republiſhed with the addition of the notes, tables, and ſuch alterations in various parts of the text, as have been ſuggeſted to the author on a further review of the ſubject.

The propriety of their coming forward in the ſtyle in which they now appear, will be readily conceived by the reader, on being acquainted that they were never deſigned for publication, even in the firſt inſtance. Communicated to a diſtant friend, merely as the reſult of a few leiſure obſervations on an inſtitution, for ſome time paſt the admiration of all ſtrangers, the author had no deſire (nor indeed expectation) that they ſhould be peruſed, excepting by a few particular friends. The gentleman, however, to whom they were written, perhaps from a partiality to the author, conſidered them ſo far uſeful and entertaining as to have ſent them to the Editors of the Gazette. The circumſtance likewiſe of Governor Vanderhorſt's having not long before offered his ideas on the ſame ſubject, to the legiſlature of South Carolina, probably furniſhed him with an additional reaſon, why they ſhould not be withheld from his fellow citizens.

With

With reſpect to the anecdotal facts contained in the publication, relative to the interior management of the priſon, they have all fallen under the immediate obſervation of the writer; while the tables, and other information on the ſame head, have been extracted and collected either from the dockets or other records and documents of the priſon, or from perſonal converſations with the inſpectors. The whole, however, may be relied on as minutely accurate and authentic, as the manuſcript was ſeveral weeks for peruſal in the hands of two inſpectors, to whoſe attention and care in pointing out the errors, the author begs leave to offer once more his ſincere acknowledgments.

On the ſecond ſubject embraced in the letter, that is, the *inefficacy of a ſanguinary code*, it is ſufficient to obſerve, that as mankind in general have long been the dupes and victims, to all the miſchiefs of ſuperſtition and falſe ſyſtems of religion, ſo have they been more or leſs affected, from a blindly adopted policy in matters of juriſprudence. How far the following reaſoning in the theory, and many evidences from practice, may eſtabliſh this poſition, the reader muſt determine; with a recollection at the ſame time, that as the fame of a writer has been the moſt diſtant object of the author, all imperfections in ſtyle muſt be candidly overlooked—His aim has uniformly been to be as extenſively uſeful to thoſe around him, as ſituation and circumſtances would admit; and ſhould he, in this firſt emanation of a youthful pen, acquire but a partial ſucceſs, the reflection of having contributed in ſome ſmall degree to the benefit of the community, of which he is a member, will prove a grateful reward.

Philadelphia, 4th Auguſt, 1796.

A

VISIT

TO THE

PHILADELPHIA PRISON, &c.

AMONG the various communications made by your governor to the legiſlature, in the early part of their late ſeſſion, I was not a little pleaſed to obſerve, that an alteration of the penal code of the ſtate, by mitigating the preſent puniſhments, was an object which he particularly preſſed as commanding their attention. That every degree of humanity ſhould be mingled in the organization of laws for the prevention of crimes, by annexing as mild penalties as poſſible to the tranſgreſſion of them, is a truth no leſs conſiſtent with the refined principles of reaſon and morality, than it accords with the true intereſts and wiſhes of that community whom the legiſlature is deſigned to repreſent. And to perceive the recommendation of the executive magiſtrate of a government, influenced by a ſentiment,* which, while

* Vide that part of Governor Vanderhorſt's meſſage to the South Carolina legiſlature, wherein he recommends a fort and other public works to be completed by the labour of criminals on the Iſland of Marſh, oppoſite the city of Charleſton, called Shute's Folly.

it reflects honour on him as a philanthropiſt, will, if adopted, contribute ſo materially to the public happineſs, muſt afford the moſt pleaſing conſolation to every feeling mind.

You are already, my dear friend, too well acquainted with my thoughts on the ſubject, to make it now neceſſary to aſſure you, of my perſonal ſatisfaction at this official propoſal of a ſyſtem, which has exiſted till lately in theory only, and whoſe beauties ſhould have ſo long and ſo generally eſcaped the attention of the humane. While ſo many arts have been invented, and the principles of every ſcience diſcovered by the ingenuity of men; while, combined with their intellectual faculties, they find ſtamped on them the grand moral attribute of fellow-feeling; that ſo few ſhould have exerted themſelves, to put in practice ſome plan or other for reducing to a reaſonable ſtandard, thoſe ſanguinary codes of laws ſo prevalent throughout the globe, appears to me a circumſtance not altogether accounted for. Surely nothing but a blind prejudice to cuſtoms, engendered in the depreſſion of human happineſs by ignorance, and the inexorable ſcourge of tyranny, could have given countenance to a policy like this. But in an age like the preſent, and in a country like our own, when burſt from the chains which have long and cruelly bound it, the mind of man is once more acceſſable to the mild influence of reaſon and humanity, how ſtrange that a rigour of the kind ſhould exiſt. Thanks however to the virtue of Americans, that efforts towards the total abolition of it have not been wanting in this weſtern hemiſphere. Pennſylvania has pointed out the neceſſity of the meaſure; directed by the unerring guidance of hitherto unexampled wiſdom, ſhe has furniſhed to the world an inſtance of good ſenſe and virtue, which muſt redound to her honour, for ages yet in the womb of time,

time, and when her ſiſter ſtates ſhall follow her foot-ſteps, then and not till then, will the riſing empire of America have completed its happineſs on the baſis of genuine liberty.

Premiſing thus much, and in further compliance with my promiſe of writing, I am neceſſarily induced to give you an account of the Philadelphia Priſon. Notwithſtanding a reſidence in this place for ſome months, I had never the curioſity till the laſt week, to viſit this WONDER of the world. The expreſſion is comprehenſive but no leſs juſt; for, of all the Bridewells or Penitentiary Houſes I ever read or heard of, I have met with none founded on ſimilar principles, or which could in any manner boaſt of an adminiſtration ſo extenſively uſeful and humane.

Externally this priſon preſents itſelf as a very ſtrong and ſecure building, conſtructed of ſtone, with a ground floor and two ſtories; and rather reſembling an incomplete hollow parallelogram than any other form, with a north front on Walnut, and a ſouth one on Prune ſtreet. The principal front on Walnut ſtreet meaſures one hundred and ninety feet in length, and forty feet in depth. The eaſt and weſt ſides or wings of the ſame depth, reſpectively, extend at right angles with the main front, ninety-five feet in a ſouthern direction, and then join ſtone walls of twenty feet in height, running to the ſouth-eaſt and ſouth-weſt corners. The weſt wing is on South Sixth ſtreet. Theſe three ſides are appropriated for the confinement of criminals, vagrants, &c. and whoſe outward appearance does not much reſemble a priſon, but neat, handſome, and no inconſiderable ornament to the city.

Nearly contiguous to the eaſt wing, is a brick edifice of two ſtories, raiſed upon arches, of about forty feet in length, and twenty-five in breadth, ſet apart for the purpoſe of ſolitary confinement. The

ſouth front on Prune ſtreet is partly the wall, and partly the debtor's apartment, a ſtone building originally intended for a workhouſe, about forty-five feet in length, and fifty-five in depth. The whole of the buildings ſtand on a lot of two hundred feet by four hundred; one hundred feet of the ſouth part of which, is divided off for the uſe of the debtors by a wall running eaſt and weſt.

Having been previouſly prepared with a permit, procured by a friend from one of the Committee of Inſpectors, to viſit the priſon, we delivered it at the door, when orders were immediately given to a turnkey, to conduct us through the different parts of it. We were firſt ſhewn through the grand entry, ſecured by an iron grated door about midway, and from thence (acroſs a court or paſſage running from one end of the front to the other) directly into the yard of the priſon. Conceive, my friend, the pleaſant ſenſations which by turns took poſſeſſion of our minds at the time, when I declare, that inſtead of having our eyes palled, as we might naturally expect, by the gloomy appearance of the walls of a jail-yard, we found ourſelves amidſt a ſmall induſtrious community. At the ſouth-weſt corner of the yard ſtood a wooden building, in which is eſtabliſhed a manufactory of nails on an extenſive plan. Here are manufactured cut nails of all deſcriptions, and particularly brads of an excellent quality; the whole by a method eaſy and expeditious. We were informed by the ſuperintendant of this manufactory, that about five hundred weight of nails were daily produced by the labour of the criminals.

Next to the manufactory is a blackſmith's ſhop, while in other parts of the yard are erected ſmall ſheds, where the occupations of ſawing marble, cutting ſtone, &c. were purſued in their reſpective branches. In ſhort there was ſuch a ſpirit of induſtry viſible

viſible on every ſide, and ſuch contentment pervaded the countenances of all, that it was with difficulty I diveſted myſelf of the idea, that theſe men *ſurely were not* convicts, but accuſtomed to labour from their infancy.

Previous to proceeding further with an account of the priſon and its government, it will here be neceſſary to digreſs and remind you, that the criminal laws of Pennſylvania, are eſtabliſhed on ſo firm a foundation of lenity, as to abrogate the puniſhment of death for every crime except cool and deliberate murder. On the firſt emigration to, and ſettlement of the country by William Penn, the charter from king Charles the Second, ſtrictly enjoined the eſtabliſhment of the ſtatute and common law of the mother-country. This was ill reliſhed by ſuch a friend of the human race as Penn, and the principles of whoſe ſect demanded with firmneſs, the compilation of a more mild and rational code of criminal laws. In obedience therefore to thoſe injunctions, and others dictated by a pure and enlightened mind, he engaged in the taſk, and produced a ſyſtem, which confined the loſs of life, as a puniſhment for deliberate murder only. This departure however, as might be expected, met with little or no encouragement in England; on the new code being tranſmitted to Queen Anne for royal approbation (as was uſually done with all laws, and indeed required by the charter) it met with her decided diſpleaſure, and was conſequently annulled. It was notwithſtanding ſome ſhort time after again enacted, and continued in force for upwards of thirty years, when a very long and warm diſpute on the ſame ſubject, having ariſen between the governor of the colony and the throne, the latter ſucceeded, and inſiſted upon and eſtabliſhed the laws preſcribed in the charter, in their fulleſt extent.

In this ſituation did affairs remain, until the bands of connection between Great Britain and America

were diſſolved by the declaration of independence. Then in the full poſſeſſion of a liberty, the proſpect of which had induced the original inhabitants of Pennſylvania to fly from Europe, the revival of the former penal code, which had remained in ſo long and obſcure an oblivion, was immediately deemed an object of the firſt importance. As ſuch, it engaged the attention not only of the Quakers, but of a conſiderable proportion of other claſſes of citizens. Several circumſtances combined, to make the propoſed alteration expedient, and among others, the ſmall and valuable gift of the immortal Beccaria to the world, had its due influence and weight; for on the framing of the (then) new conſtitution of the ſtate, in 1776, the legiſlature were directed *to proceed as ſoon as might be, to the reformation of the penal laws, and to invent puniſhments leſs ſanguinary, and better proportioned to the various degrees of criminality.* The ravages of a ruinous and unnatural conflict, with the ſubſequent diſtreſs occaſioned by it, in a great degree poſtponed the carrying into effect theſe humane intentions, till the year 1786, when the foundation of this long-deſired reform was at length laid by an act of the legiſlature. By this act a mitigation was ſo far accompliſhed, as to reſerve the puniſhment of death for four crimes, namely, murder, rape, arſon, and treaſon; while all other offences were directed to be puniſhed with whipping, impriſonment, and hard labour. Unfortunately however, for the friends of humanity, the new ſyſtem of mildneſs was far from having the juſtice of a fair experiment, and was found by no means to embrace the views of its ſupporters. The number of convicts had in ſome degree diminiſhed, but in ſo *very* trifling a proportion, as not to render it an object worthy of legiſlative attention, to continue leſſening the then exiſting ſeverity. A grand and important defect, though not generally obſerved, appeared too plain to ſome of the promoters of the plan,

plan, to inſpire them with ſanguine expectations of its ſucceſs. It was the inefficacy of the puniſhments of public labour, mutilation and whipping, inaſmuch as they deſtroyed an important end of puniſhment, that of the criminal's reformation. Too fatally was this experienced! The convicts who were ſentenced to the wheel-barrow, and chained and diſperſed along the ſtreets and roads, exhibited, from the difficulty of ſuperintending them, the moſt ſhameful ſcenes of drunkenneſs, indelicacy, and other exceſſes in vice. The inconveniencies and miſchievous effects of the puniſhment of public labour, at length became ſo intolerable, that it was regarded, and with much juſtice, as a common nuiſance. In conſequence of which, complaints againſt the alteration of the ancient penal code became daily more univerſal, and ſo much ſo at one time, as to threaten almoſt immediate deſtruction to all the ſchemes of the humane.

The Quakers had been the original advocates for the proſcription of ſeverity. The ſame motives which had uniformly diſtinguiſhed the character of theſe people in their ſupport of all charitable inſtitutions, induced them ſtill to keep the lead in a purſuit, equally noble and praiſe-worthy. Their ſpirit of perſeverance then, when they had in contemplation the advancement of good order and humanity, was not to ſubſide, even at this provoking trial of diſcouragement. The rapid growth and magnitude of the evil, ſerved rather as a new incentive to awaken them more, and to convince them, that without indefatigable pains their important ends could never be accompliſhed. Neceſſity, which generally and bountifully gives a new tone and vigour to the genius, was not in this inſtance dilatory in the production of a remedy. Aided by other reſpectable and influential characters of the community, the Quakers formed themſelves into a ſociety *for alleviating the miſeries of public priſons*, the object of which was, to inquire

into the abuſes of priſons and public places of confinement, and to report them to the legiſlature, with a petition for redreſs; and alſo to examine the influence of confinement or impriſonment, on the morals of the perſons who were the ſubjects of them.

The exertions of the ſociety, after conſiderable oppoſition, procured from the legiſlature an amendment to the penal code, by an act of the 5th of April, 1790, which aboliſhed the former puniſhments, and eſtabliſhed in lieu of them, *private* labour, fine and impriſonment. This law, it may be ſaid, was *forced* from the legiſlature; for nothing but their confidence in the individuals who compoſed this aſſociation, could have perſuaded them to riſk a further experiment. Anticipating few or no good conſequences from the ſubſtitution of a mild diſcipline, inſtead of death, ſeverity and irons, they thought it prudent, and took care to limit the exiſtence of the law, for the ſpace of five years. The act, after laying down ſeveral general regulations for the government of priſons, entruſts in the hands of a board of inſpectors, "the power of making, at their quarterly or other meetings, ſuch further orders and regulations, for the purpoſe of carrying the act into execution, as ſhould be approved by the mayor and recorder of the city." By a ſupplement to the act, paſſed in Sept. 1791, the ſame power is transferred from the mayor and recorder, to the mayor, two aldermen, and two of the judges of the ſupreme court, or two of the judges of the court of common pleas of Philadelphia county.

I hinted, that a conſiderable oppoſition had diſputed the eſtabliſhment of this mitigated mode of treatment. It exiſted for a length of time; and the moſt powerful proceeded, not ſo much from ignorance, prejudice, or want of benevolence (for its oppoſers were reſpectable and humane), as from the trifling proſpect and hope, which a miſtaken and too deſpicable opinion of perſons

ſons guilty of offences had led many to have and entertain of its fortunate iſſue.

Among the ſervices of ſeveral perſons, who early formed an attachment to the principles of the ſociety, thoſe of the late attorney-general of the United States, the worthy and much reſpected William Bradford, deceaſed, are ſufficiently well known to merit the recollection and gratitude of his countrymen. Being at that time judge of the commonwealth of Pennſylvania, he had occaſion to differ on this point, with his brethren on the bench, who denied their conſent from none but the pureſt and moſt patriotic motives, ſuch as their tried knowledge of crimes and criminals had prompted them conſcientiouſly to reſpect. On the firſt appearance of the favourable ſymptoms which the triumph of their adverſaries had effected in the government and conduct of the priſoners, they coincided, and afterwards contributed much to its maintenance.

In juſtice to other reſpectable perſons, not of the Quaker perſuaſion, it may here be mentioned, that notwithſtanding that ſect were, in general, the principal ſupporters of every improvement on the new ſyſtem, ſtill the cauſe was always warmly eſpouſed by other citizens. Nor can it be contradicted, that among the preſent number of them there are ſeveral whoſe humane labours have not been exceeded. To paſs over the conduct of the enlightened Doctor Benjamin Ruſh, might properly be deemed an act of omiſſion. Although the preſſing duties of his profeſſion called for his humane aſſiſtance in other quarters, he was no leſs eager to appropriate occaſionally, a few leiſure hours, on the ſubject of a ſcheme ſo pregnant with the future happineſs of millions, and which ſimply required public ſpirit and perſeverance to deliver to *mankind*. With this view he came forward at a very critical juncture, and publiſhed a ſmall pamphlet, called "An Inquiry into the Effects

"of

" of public Puniſhments upon Criminals and Society;" in which, after diſplaying with a philoſophic calmneſs, the greateſt acquaintance with the ſprings of the human heart, he fully demonſtrates their inutility and miſchievous tendency. A few years growth of the ſyſtem which aboliſhed them, has already eſtabliſhed the truth of his principles.

Upon the whole, the promoters of this laſt grand work of philanthropy met with ſo much ſucceſs in the experiment, and its operations produced ſo viſible a change in the criminal dockets throughout the ſtate, that the legiſlature, ſo far from ſuffering their intended temporary law to expire without renewal, extended their lenity ſtill further, and by the memorable act of the 22d of April, 1794, aboliſhed the puniſhment of death for every crime, excepting murder of the firſt degree. Any kind of murder perpetrated by means of poiſon, by laying in wait, or by any other kind of wilful, deliberate, and premeditated killing, committed in the perpetration, or attempt to perpetrate, any arſon, rape, robbery, or burglary, is declared to be murder of the firſt degree. Perſons guilty of other offences are therefore now divided into claſſes. Of the firſt claſs are all perſons guilty of offences, which, previous to the paſſing of the law, were puniſhable with death; and alſo thoſe guilty of other heinous offences mentioned in the act. Theſe undergo a puniſhment compounded of hard labour and ſolitary confinement, for a certain term of years. Thoſe of the ſecond claſs, are convicts condemned for offences leſs criminal, who are merely ſubjected to hard labour. As to the meaſure for each particular crime or miſdemeanor, it is principally diſcretionary with the judges of the court, before whom they are tried, under the reſtrictions laid down in the firſt of the ſubjoined tables.

With theſe prefaratory obſervations on the nature, progreſs, and gradual improvement, of the criminal laws

laws of Pennſylvania, I ſhall be more in order to proceed with my deſcription of the priſon. From viewing the yard, our curioſity naturally led us to examine the interior apartments of the building. We firſt went through the ground-floor, or front half-ſtory, chiefly appropriated for kitchens, which were exceedingly clean. Some men were buſily employed in carrying plaiſter of Paris in lumps along this paſſage, to an apartment in the eaſt end of the ſtory, where it is ground by others, in a mill fixed for the purpoſe. There were ſeveral other rooms, but nothing material engaged our notice.

We next aſcended the firſt whole ſtory, with which there is no communication with the under, except by a flight of ſteps outſide in the yard. At the back part of this, as well as the other floors, there are long courts or paſſages, extending from one end of the front to the other, about the width of twelve feet. Along the paſſage here, are ranged eight apartments, three of which being occupied as the apartments of the jailer, and one made uſe of as the inſpectors room, have no entrance to them withinſide of the iron-grated door. The reſt open into the paſſage, and are work-ſhops, with inſtruments and tools for carpenters, joiners, turners, ſhoemakers, weavers, and taylors. Theſe different trades we ſaw carried on with all the induſtry imaginable. There were alſo perſons in the court, employed in chipping logwood. The work-ſhops are of the dimenſions of twenty feet by nineteen feet; neat, healthy, and airy; perfectly ſecure from fire and an eſcape, by being arched over with ſtone, and having double iron gratings to the windows. No communication with them can be effected by perſons in the ſtreet.

The upper ſtory contains the ſame number of rooms, ranged in like manner as the lower apartments; the firſt of which, at the weſt end, is ſet apart as an infirmary, for the reception of ſick priſoners, and the reſt

reſt bed rooms. In each of the rooms are about one dozen beds with matreſſes, ſheets, and rugs; every priſoner being allowed a ſingle bed. All theſe front ſtories are appropriated for none but male convicts.

The firſt ſtory of the eaſt wing contains five apartments, conſtructed in the ſame manner, in which are confined perſons accuſed and committed for trial, who are not made to labour. In the ſecond, or upper ſtory, are the vagrants, and runaway ſervants. Theſe perſons are employed in beating hemp, picking moſs, hair, wool, or oakum. There is a court-yard to this wing, meaſuring ninety by thirty-two feet.

We next viſited the apartments of the women, in the weſt wing of the priſon, on Sixth ſtreet. The ground floor of this wing was formerly divided off into dungeons; but now are ſeldom, or never entered, unleſs to ſtow away wood, or any bulky material.—In the firſt ſtory are four rooms, ranged in the ſame manner as thoſe of the eaſt wing, appropriated for the uſe of the female convicts; beſides another, uſed as a ſtore-room for the articles manufactured in the houſe. The women perform their labour in the paſſage; they were engaged, ſome in ſpinning cotton and mop yarn, carding wool, picking cotton, ſewing, and preparing flax and hemp; others in waſhing and mending. They have a court-yard, of the ſame dimenſions of the one belonging to the untried criminals, and male vagrants. In the upper ſtory of this wing are confined female vagrants, and women of bad character, who are alſo kept at profitable employments.

You muſt admire, my friend, the excellency of theſe arrangements. You perceive, in the firſt place, there is no intercourſe whatever between the males and females; they cannot even ſee each other. None again between convicted and untried criminals; nor between either of them and the vagrants. This muſt at all times be a deſirable object. Perſons who have

not

not been convicted of the charges they ſtand impriſoned for, ought not, in juſtice, to have a connection with, and be placed among, ſuch priſoners as have been condemned. The difference of their ſituation demands a ſeparation. On the other hand, as the intention of the new ſyſtem of laws is not only to puniſh offenders, but to reſtore them reformed to ſociety, it is more abſolutely neceſſary, that the *convicts* ſhould be kept apart from the vagrants.

It is well known, that in no one place are offered more injurious and vicious examples, than in a priſon, where condemned, untried, and all other claſſes of priſoners, are intermingled, without regard either to age, ſex, or condition. Thoſe in many parts of Europe, and ſeveral in America, have long ſtood melancholy evidences of this fact. Thouſands are committed annually for a trifling fault, or miſdemeanor—many from misfortune, or accident—and we may venture to aſſert, that ſcarcely one has been diſmiſſed, with the ſame ſtock of morality he carried in with him. Accuſtomed to idleneſs, debauchery, and practice of frauds upon their keepers, upon viſiters, and upon each other, the young and unexperienced criminal is early taught to imitate the dexterity of his elders—the timorous ſoon acquires the audacity of his more hardened companions—the modeſt become ſpectators of, and inured to the indelicacy and indecency of others—and thus, amidſt ſuch frequent opportunities for vice, are planned, not a trifling proportion of the murders, robberies, and other kinds of villany, perpetrated after their eſcape or diſcharge.

In Philadelphia, the *ſeparation* of the different claſſes of priſoners was early deemed an object of the higheſt importance, by all who were in any wiſe intereſted in the then contemplated reform of the priſon government, and as ſuch ſteadily adhered to. The inhabitants of the priſon were extremely averſe

to

to the meaſure, and were always more emboldened in their confidence of its failing, from the countenance of their jailer and keepers, who naturally preferred the old ſyſtem, as it would furniſh them with a greater harveſt of perquiſites and exactions. Finding at length that the perſeverance of "the ſociety for "alleviating the miſeries of priſons," bid fair to an extinction of all hopes of their continuing in the ſame ſcene of confuſion, with one conſent they reſolved on a breach of priſon. The attempt was accordingly made on the evening of the day the new order of things had taken place. Fortunately few of them eſcaped. The jailer was immediately diſcharged, and ſince that period almoſt every project for the ſame purpoſe has failed, either from the want of unanimity of the moſt evil diſpoſed, the fears of thoſe leſs ſo, or the decided diſapprobation of the greateſt proportion of the priſoners, to any thing of the kind.

Nothing appears more grievous to a perſon, long initiated into habits of indolence and licentiouſneſs, than the idea of being compelled to alter them. This I hold as an undoubted poſition; and therefore the conſtant and hard labour, to which a criminal is ſentenced in Pennſylvania, muſt be productive (and it has been) of the moſt beneficial effects. Although humane, it is a puniſhment, ſufficiently dreadful and ſevere to excite terror into the minds of the depraved; and, beſides affording an example of true juſtice, it is of all others the beſt adapted for the amendment of the convict himſelf. Another thing; as the deſign of penalties is not only to prevent the commiſſion of crimes, and reform offenders, but likewiſe to make reparation for the injury done to ſociety, or one of its members; the laſt of theſe objects, cannot be better obtained, than by the perſonal induſtry of the criminal, while under condemnation. Of this the legiſlature were no doubt fully perſuaded, when they

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fell upon the preſent improvement, in matters of juriſprudence.

The proceeds of the labour and ſervices of the delinquent are not, in every inſtance, applied to the uſe of the injured public, or individual. For if after making the reparation required by his ſentence; that is, if at the expiration of his confinement, and after paying the expenſes of his commitment, proſecution, and trial; the value of articles ſtolen, or damage done to the proſecutor; the fine to the commonwealth; hire of the tools he makes uſe of; and, laſtly, the expenſes of his board, clothing, waſhing, and lodging, any balance, or overplus, is found to remain, or be due to him, it is either paid to him in caſh or clothing. The fine to the commonwealth is generally remitted.

That part of the ſentence, including the coſts and expenſes of proſecution, and alſo the expenſes of feeding and clothing a convict, are advanced by the county in which he takes his trial, and are afterwards repaid by the induſtry of the criminal. When the priſoners ſent to the priſon, from other counties, have incurred a charge for their maintenance, more than the profits of their labour will defray, they are reported by the inſpectors to the commiſſioners of the county of Philadelphia, who are authorized to, and procure, a reimburſement, by drawing orders upon the treaſurer of the county, from which they are removed.

The quantity of ſtock and materials, working tools, and implements neceſſary for the conſtant employment of the priſoners, are purchaſed by the jailer, with the approbation of two of the inſpectors, and payment for them provided by the commiſſioners of the proper county. He delivers out their work, and receives it from them by weight or meaſure, as the caſe might be, in order to prevent embezzlement and waſte. The work aſſigned the priſoners is adapted to their

their age, ſex, and circumſtances of health or ability, regard being had at the ſame time to the employment which is moſt profitable.

The agreement for the moſt valuable ſpecies of labour, ſuch as ſtone-cutting, and ſawing marble, as likewiſe for the purchaſe of nails, is made between the inſpector and employer. The contracts for other work, as ſpinning, cabinet makers, or joiners work, &c. are commonly entered into with the jailer.

For each convict, a ſeparate account is kept by the jailer, charging him with his clothing, ſuſtenance, &c. and in which a reaſonable allowance for his labour is credited. It is generally rather leſs than the wages of other workmen in the city. Theſe accounts are balanced at ſhort periods, in order that the overplus or proportion, which might be due to the priſoner, may be paid into the county treaſury for ſafe keeping; and, once in every three months, they are audited before the inſpectors. The committee of inſpectors, once during the ſame period of time, fix the charges for the priſoners maintenance, which depend on the exiſting price of proviſions, &c. It is now one ſhilling and three-pence per day for the males, and ſeven-pence for the females. There are few who do not earn above two ſhillings. The marble ſawing and manufacturing of nails are the moſt lucrative employments followed in the priſon. Several were pointed out to us, who earned at theſe occupations above a dollar, and one in particular, whoſe daily labour averaged one dollar and an half.

The clothing of the convicts is altogether manufactured in the priſon, and adapted to the climate and ſeaſon. In winter, the men are dreſſed in jackets, waiſtcoats and trowſers of woollen; and in ſummer, with coarſe linen ſhirts and trowſers. The women in plain gowns of the ſame. The ſtuff for the whole is woven by the males, and made up by the females. There is, at the ſame time, not a matreſs, ſheet, rug, coverlid,

coverlid, nor any thing elſe in that line, but what is likewiſe manufactured in the houſe. The ſtore-room contained a great ſtock, and variety of articles, in quality equal to any thing of the kind I have ſeen for ſome time. The moſt valuable articles, ſuch as nails, plaiſter of Paris, marble, &c. are in ſuch demand, as generally to be diſpoſed of as ſoon as manufactured or prepared.

Great attention is paid to the health of the priſoners. On any perſon's complaining, and upon examination of the phyſician found to be diſeaſed, he is removed to the infirmary of the priſon, his name entered on a book kept for the purpoſe, and there remains until he is in a proper condition to leave it. The time is determined by the report of the phyſician, which, as ſoon as made, is entered in the keeper's book, when the priſoner muſt immediately reſume his accuſtomed employment.

While at their work, the priſoners are permitted no ſinging or laughing, nor indeed any converſation, except ſuch as may immediately relate to their buſineſs. This prohibition of all unneceſſary converſe is relied upon, as an eſſential point for the complete adminiſtration of the priſon; and whoever will ſubſcribe to the doctrine, that the leſs exertion which is given to the nerves and organs of ſenſe, muſt calm the ſtate of the ſyſtem, and, by an immediate conſequence, ſoften the diſpoſition of the heart, will as readily conſent to the policy of the regulation. But, to enter a jail, you will ſay, without being importuned by the frequent and inſolent requeſts of ſome priſoners, or alarmed for your ſafety, from the daring threats and villainous miens of others, can alone proceed from the moſt extraordinary and ſevere diſcipline: and yet in this priſon it is effected with eaſe.

This ſilence, which the inſpectors have been ſo ſtrict in enjoining upon the labourers, has been as rigidly put in practice, and is the firſt circumſtance

that will arreſt the attention of a ſtranger. The behaviour and looks of the criminals, at the ſame time, do not border on diſguſt, and of courſe not troubleſome, as on no account are they permitted to addreſs, or beg alms of a viſiter—nor do they do it. Having been left alone with the priſoners, at different times, in their ſeveral apartments, we wanted not opportunities to diſcover, whether the fear of their keepers, or their own conviction of the neceſſity of the regulation, had the greateſt weight in reſtraining them from a breach of it: the latter we found to predominate. None of them ever made the firſt advances to converſe with us, and only once was a requeſt ventured, and then by an induſtrious ſhoemaker—and for what think you?—For a piece of tobacco.—Fortunately one of our company had a little, which was given him. A chew of tobacco is eſteemed a luxury with moſt of them, but ſtrongly forbidden by the inſpectors, and perhaps with much reaſon. It is an idle, dirty habit, affords no nutriment to the body, and not unfrequently leads to intemperance in drinking. However contrary our gift was to the rules of the priſon, and notwithſtanding it might have given offence, had it been known, ſtill we ſhould never reproach ourſelves with our conduct. He muſt want a heart indeed, who could not have found a diſpoſition to relieve, if placed in a ſimilar ſituation. The man was induſtrious, his air intereſting, the manner of his requeſt modeſt and becoming.

All the priſoners riſe at the dawn of day; ſo that after making their beds, cleanſing and waſhing themſelves, and other little neceſſary arrangements, they generally commence their labour by ſun-riſe. After this no convict can go into any part of the houſe, other than the place or apartment aſſigned for his buſineſs; and particularly the nailers, carpenters, ſhoemakers, and weavers, who can, on no pretence whatever, leave their ſhops, or permit any other priſoner

priſoner to come into them, without giving immediate information to their keeper, or by permiſſion of the keeper. The rooms in which they work are not locked. About ſeven are in a ſhop, one of whom is appointed by the jailer, whoſe duty it is ſtrictly to notice all offences, and in default of it, is puniſhed according to the rules. For this, however, there is little or no neceſſity, as they commonly work under the mutual inſpection of each other. The keepers conſtantly parade among the priſoners, in the court-yards and paſſages.

At the approach of duſk the bell is rung, when they muſt leave off labour, immediately repair to their rooms, and form themſelves in ſuch a manner, that the keeper may have a perfect view of every perſon belonging to each room. They remain thus formed, till he calls the roll, and counts them: he then locks them up in their apartments, but without candle or fire, except in extreme cold weather. From this time half an hour is allowed them to adjuſt their bedding, after which they are not permitted to converſe aloud, or make a noiſe.

Four watchmen are obliged to continue in the priſon all night: two are within the iron-grated door, and two in the inſpectors room. In their turns they patrole the paſſages conſtantly, and ſtrike the bell every hour. They report, on the morning of the ſucceeding day, any remarkable occurrence of the night, to the clerk of the priſon, who commits the ſame to writing, and lays it before the inſpectors at their next meeting.

In going through this priſon, you are not diſguſted with thoſe ſcenes of filth and miſery, which generally diſtinguiſh jails from other places. On the contrary, the induſtry, cheerfulneſs, and cleanlineſs, which meet the eye in every direction, cannot but be peculiarly gratifying. I aſſure you that my noſtrils were not once invaded by the leaſt unwholeſome or even

offenſive ſmell. In the bed-rooms, the beds were all made up, and the floors white, and perfectly free from dirt. This was ſo ſurpriſing, that one of our company in amazement inquired, how it was poſſible to enforce a regulation of this kind among ſo many people. "Oh, Sir," anſwered the keeper, "our "method is one and invariable. The priſoners well "know that a tranſgreſſion of the rules is never "overlooked, and contrive to adjuſt their conduct "accordingly." On converſing further with him, I found that the criminals in the different rooms, for their own convenience and comfort, had adopted among themſelves *ſecondary* and inferior governments. One of their principal regulations relative to cleanlineſs was, that no one who found occaſion ſhould ſpit elſewhere than in the chimney. The puniſhment annexed to the perſon, who thought proper to infringe this general rule, was ſimply an excluſion from the ſociety and converſation of his fellow convicts, and this is found to be ſufficient.

By the laws of the priſon, the houſe muſt be ſwept every day by ſome one of the convicts. The duty is taken in rotation. It is alſo waſhed once a week in the winter, and twice in the ſummer, from one end to the other; and as often in a year completely white-waſhed. A good proof of the cleanlineſs of the place you have, when I mention from authority, that out of eight thouſand and ſixty perſons, who were confined in the ſeveral apartments of the priſon (the debtors jail included) from the twenty-eighth day of September, 1780, to the fifth of the ſame month in 1790, only twelve died of natural deaths. Since the latter of theſe periods, the eſtabliſhment of the new ſyſtem of diſcipline has produced much better arrangements, as well in reſpect to the comfort and health, as to the good order and government of the priſoners. This has been evident in ſeveral inſtances. The phyſician's bill, which formerly amounted to twelve

twelve hundred and eighty dollars a year, ſeldom exceeds at preſent one hundred and ſixty; and, excepting in caſes of contagious diſeaſes, not more than two priſoners have died from June, 1791, to March, 1795, a period of nearly four years. During the fall of 1793, when the yellow fever had extended its fatal ravages over every part of the city and ſuburbs of Philadelphia, we have from Mr. Carey, in his account of that calamity, that only ſix perſons in the priſon were taken ſick, and ſent to the hoſpital; although the ſituation of jails, even under the beſt adminiſtration, makes them moſt frequently liable to the generation of contagious and other diſeaſes. At this time, too, were confined there, by order of the French conſul, one hundred and ſix French ſoldiers and ſailors, beſides one hundred other priſoners, compoſed of convicts, vagrants, and criminals committed for trial.

What a great object is this, my friend! When we reflect on the poſſibility, nay often probability of men being impriſoned for months, and on their trials proving entirely innocent, it certainly ſhould be the care of legiſlatures, in all countries, to make places of confinement as comfortable as poſſible: not to heap fellow citizens together, ſubjecting them to all the diſorders, which filth and cloſeneſs of air may occaſion. As the temporary forfeit of the liberty of the accuſed can only be juſtified on principles of neceſſity, and as innocence muſt be preſumed, until the contrary appears, 'tis unpardonable to add to one miſery, more inconveniencies than are neceſſary for the ſafe keeping of a priſoner. To impoſe filthineſs on a convict is cruel; for ſurely he is ſentenced to impriſonment, not to linger out a miſerable exiſtence by the hand of diſeaſe. Even the higheſt grade of guilt cannot forfeit our compaſſion in this reſpect towards a criminal, and eſpecially when, by withholding it, the community acquires not a ſingle advantage.

The cleanlineſs of the priſoner's perſon is likewiſe particularly attended to. On the firſt admiſſion of a convict, he is ſeparately lodged, waſhed, and cleanſed, and continues in ſuch ſeparate lodging, till it is deemed prudent to admit him among the other priſoners. The clothes in which he is committed are fumigated and laid by till his diſcharge. They regularly ſhift their linen, and are ſhaved twice a week. Previous to commencing their daily labour, they are made to waſh their face and hands, and in the ſummer months, to bathe themſelves in a large baſon in the court-yard provided for the purpoſe. Towels are fixed in the different courts. Their hair too is cut decent and ſhort once in a month, and for the convenience of the barber, the whole number of men is generally divided into four equal parts; ſo that one fourth part have their hair cut every week.

Independent of the individual comfort naturally ariſing from a ſtrict attention to cleanlineſs, and its powerful conduciveneſs to health, it is more abſolutely neceſſary among criminals, than with other perſons. In a priſon government, which contemplates the amendment of its ſubjects, it cannot with propriety be neglected. From the connection of the body with the mental and moral faculties, or rather from the influence which the diſpoſition of the former muſt have on that of the latter, it is certain that a man's morals muſt, in ſome meaſure, depend on the proportion of eaſe and comfort the body enjoys. Such confidence have the princes and legiſlators of ancient eaſtern nations placed in this, or ſome other like ſelf-evident propoſition, that they conceived cleanlineſs as a very principal phyſical cauſe, in correcting the vices of their ſubjects. Elſe why do we obſerve the many purifications by incenſe, cleanſings, and bathing of the body, ſo carefully impreſſed upon them as an eſtabliſhed principle of their religion? Theſe rites were chiefly intended to inculcate morality, as well as to guard againſt

againſt interruptions to their health by unclean diſeaſes. How few men are there who do not feel moſt diſpoſed to lazineſs and inactivity (the common parents of many other vices) with a dirty ſkin and ſhirt!

We witneſſed a circumſtance, which would not only excite the aſtoniſhment of all, but muſt impreſs every viſiter's mind with a favourable opinion of the adminiſtration of the priſon. It is the humanity of the keepers to the convicts. The opportunities which keepers of jails generally have of exerciſing a petty tyranny and cruelty over the criminals entruſted to them, and their uſe of theſe opportunities—indeed the many marks of hard-heartedneſs and brutality which can often be traced in their viſages, as well as in their actions, had almoſt made it proverbial with me, that to find fellow-feeling in one of them, *is as difficult as to diſcover crocodiles in Greenland, or ſea-calves in Egypt.* And to be told, that a turnkey was beloved by criminals, would hitherto have been a matter of as much ſurprize to me, and entitled to as much of my credit, as of *Reynard* being attached to a hound. Neither of them I conceived to be within the limits of probability. I have however been diſappointed: Yes, my friend,—I *have* been in a priſon, where the heart of a turnkey is like that of another man, and where humanity is the ſtanding order of the day.

It is the chief object of the keepers, to command as much reſpect as poſſible from the criminal, and yet without laying him under any undue fear or reſtraint. By theſe means the convict becomes inſenſibly and gradually attached to him, and his mind better prepared to receive any impreſſion he might wiſh to make. The reſult of which is, that a keeper ſeldom ſpeaks to a priſoner, but what he is anſwered with reſpect and with mildneſs.

In paſſing among the ſtone-cutters, a negro in particular attracted our attention. His countenance beſpoke contentment, whilſt his eyes expreſſed an anxiety that we ſhould addreſs him. I relieved it by interrogating him, as to the length of time he had been confined, and how he was pleaſed with his condition. His anſwer was, nine months, and to continue three more. That with reſpect to living, clothing, and treatment, it would be ingratitude in him to complain. On aſking the cauſe of his confinement, he related to us with the moſt intereſting eagerneſs, all the circumſtances of his commitment and trial, endeavouring to convince us of his innocence of the fraud for which he had been condemned. We diſſembled, and appeared to be perfectly ſatisfied with his tale, which gave him pleaſure. He felt happy that we ſhould depart with a favourable opinion of him. The caſe was the ſame with others whom we accoſted, who appeared delighted at the opportunity of telling us a favourable tale. Several of the priſoners again held down their eyes, and appeared affected that we ſhould look on conſcious folly. But in the countenances of none did we perceive thoſe marks of hardened villainy and audaciouſneſs, which too unfortunately characterize the inhabitants of priſons.

Although reformed in other reſpects, many of them perſevere in atteſting their innocence, when addreſſed by a ſtranger. This diſſimulation muſt be expected; for what muſt be the ſenſations of one of theſe men, on reading in the viſage of a viſiter, an impreſſed certainty of his guilt. Were he conſcious of it, and had repented of the action, would he not be anxious to remove it? Yes—nature, in order to pourtray herſelf in the faireſt colours, would often perſuade a man to encroach thus far upon the laws of morality.

Another incident occurred in our viſit to the women's apartment, which no leſs evinced the good treatment

treatment theſe people meet with. The keeper who conducted us through this ward, had been abſent for ſome time, and had accidently called on a viſit to the priſon. The women were about retiring from their labour; no ſooner was the voice of this perſon heard on entering, than it was recollected by a decent looking young woman ſtanding in the paſſage, and in a moment *Davies* (for that was his name), was whiſpered through all the apartments. With the moſt heartfelt expreſſions of joy, they haſtened from their ſeats to welcome him on his return, and on his part he received them with a mixed ſenſe of tenderneſs and ſatisfaction. What a feaſt would this have been for an Howard's heart! What a field does it not open for the conſoling reflections of every philanthropic mind! Humanity muſt always be venerated, and enſure its juſt weight of applauſe; but when we perceive this divine attribute in the turnkey of a priſon, what panegyric can be too great for that man's virtue, who, in ſpite of all the tempting allurements to which love of power is apt to incline mankind, would not deſcend to tyranny and cruelty, and in defiance of the long eſtabliſhed *carmen neceſſarium* of jailers, can boaſt of being a protector—an inſtructor—not an iron-hearted overſeer! But why ſhould this be ſaid? Why carry wholly to the credit of an individual, a virtue which is inſeparably connected with, and proceeds, as ſhall hereafter appear, from the beauty of the new ſyſtem of adminiſtration? Nay, more; why throw out an expreſſion from which an inference might exiſt, that there is a poſſibility of oppreſſion and injuſtice towards the priſoners? Alas! a too long received impreſſion of the horrors—the abuſes of thoſe ſepulchres and abodes of human wretchedneſs—ſtands my apology. I ought to have kept in remembrance, that the preſent *Philadelphia Priſon*, from the nature of its inſtitution, forbids the very thought.

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Theſe incidents, however, have been mentioned to ſhew that the priſoners are ſatisfied and live well; and the fact is, they do. The male convicts are allowed, for breakfaſt and ſupper, as much as they can eat of a pudding made of the meal of maize corn, called muſh.* At dinner they have, three days in the week, about half a pound of bread, with a pint of potatoes; on other days muſh and potatoes: on Sunday, a pound of wholeſome meat is diſtributed to each priſoner. Thoſe among them who behave themſelves well are, at times, permitted the indulgence of procuring other proviſions, at their own expenſe, but the practice is not common. The nouriſhment of the women is of the ſame quality with that of the males, only not as conſiderable, from their ſervices being leſs laborious. Contracts for the food of all the priſoners are entered into by the jailer, and the whole paid for by the inſpectors.

The drink of the criminals is molaſſes and water; ſpirituous liquors are forbidden, except for medical purpoſes, preſcribed by the attending phyſician; and the perſon who ſells, or ſuffers them to be introduced, on any other occaſion, ſubjects himſelf to a penalty of five pounds: if an officer of the priſon, diſmiſſion from office. The reaſon of this rigorous regulation ariſes, in the firſt place, from the probability of the abuſe which might be made of the practice, were it once introduced; and, in the next place, from the conviction of the inſpectors, that thoſe liquors act not ſo powerfully in ſtrengthening a body, doomed to more than ordinary toil and labour, as the effects of good wholeſome water. That whatever cheerfulneſs or vigour it may produce in a labourer, it is merely temporary, and like all high ſtimulatives, its operations are no ſooner at an end, than the ſyſtem is left ener-

* Similar to the *hominy* of the Southern States, only not ſo coarſe.

vated

vated and fatigued. Nor are the inſpectors governed by leſs reaſonable motives in their choice of a cheap diet, and the excluſion of much animal food from the convicts. The citizen who once makes a violation of the family compact has left but a very ſlender claim on the public attention: the only one, if it may be ſo called, is their obligation to reſtrict him from further opportunities of incommoding them, by reformation or other means; at the ſame time with the leaſt poſſible expenſe to themſelves. Happily the regulation fallen upon by the inſpectors, with reſpect to the ſubſiſtence of the convicts, has appeared more likely to aſſiſt, in arriving at this *deſideratum* of priſon governments, than many others through the ſame medium of diet, although more economical; that is to ſay, the two ideas of *economy* and *utility* are by it more cloſely connected. The muſh, on which theſe people are fed, is the ſubſtance of the moſt wholeſome and nouriſhing grain we know of; extremely light and more eaſily digeſted than almoſt any other ſpecies of food: conſequently the more uſeful. To thoſe perſons who feel diſpoſed to doubt the efficacy of aliment on the temper and behaviour of men, I need only remark, that the experience and obſervations of ſeveral of thoſe entruſted with the ſuperintendance of the priſon, have led them to conclude it as not a trifling contributer to the good order of the convicts. *Moral*, though not always, is often a conſequence of *phyſical* evil; and as we find from our own experience, that different qualities of meat and drink produce in the mind as many temporary deſires, degrees of fourneſs, gentleneſs, heavineſs or hilarity, ſo it is equally reaſonable to preſume, that a long and habitual uſe of a light wholeſome nutriment, will keep the diſpoſition more uniformly kind and ſerene.

The convicts are called to their meals by the ringing of a bell. We ſaw the men ſit down to their ſupper, and

and I do not recollect a ſcene more intereſting. At one view we beheld about ninety fellow creatures, formerly loſt, as it were, to their country, and the world, now collected into one body, and obſerving that air of *compoſure* and decency to each other, conſequent only from a long and continued practice of moral habits. They were ſeated agreeably to claſſes, or rather, the ſhoe-makers, ſtone-cutters, nailers, carpenters, and weavers, formed each a diſtinct claſs. During the time of eating, we witneſſed no laughing, nor even an indecent geſture; but a perfect and reſpectful ſilence reigned along the benches. They remained ſeated until all were ready to riſe, of which notice was given by the attending keeper. They then immediately repaired to their reſpective employments. Their eating-room is the left part of the court of the front ground-floor or half ſtory.

About one-eighth of the number of convicts compoſe the negroes and mulattoes, between whom and the whites, in this country, are none of thoſe ſhameful, degrading diſtinctions you are daily accuſtomed to in the Southern States. Tried with the ſame legal ſolemnities, and by the ſame tribunals, they have equal privileges with other condemned criminals. At ſupper, I obſerved, they were all ſeated at the ſame table, a proſpect that afforded, as you might well conceive, no ſmall gratification. Like Briſſot, I can ſay, "It *was* to me an edifying ſight—it ſeemed a "balm to my ſoul."

Slavery, my Friend, is approaching to its diſſolution very rapidly in Pennſylvania; and I hope, before long, will receive its final death-blow. Liberty, humanity, and reaſon, have already decreed its doom. The hand of univerſal juſtice is uplifted to inflict it—GOD grant it may fall with vigor!—Slavery in its fulleſt extent, however, never was ſo perfect as it is in the Carolinas and Georgia. The Africans always poſſeſſed, in common with other men, the liberty of life,

life, and other privileges which have been uniformly denied them in thoſe countries. At preſent it can only exiſt for a certain term of years, till the ſlave is of age, during which time he is placed upon the ſame footing with an indentured ſervant. What portion of rights this claſs of the community at this moment poſſeſs, the board of inſpectors are extremely careful and jealous of; ſo much ſo, that they direct the viſiting inſpectors conſtantly to bear in mind, that all men are free until legal proof is made to the contrary. They therefore take care that no perſon is held in confinement on a mere ſuſpicion of being a runaway ſlave; and thoſe perſons who are actually ſlaves, and not applied for by proper claims within a limited time, they return to the ſupreme or other court for a Habeas Corpus, to remove them according to law.

May the ſame ſpirit of philanthropy, now about to cruſh in this part of the world, every veſtige of the moſt diſgraceful and inhuman policy that ever exiſted among mankind, extend itſelf at leaſt ſo far amongſt you, as to procure from your government an amelioration (if nothing more) of the condition of theſe long injured, theſe cruelly oppreſſed people. Shame! ſhame! to Carolina, that as yet it has not taken place! How much more edifying to yourſelves and poſterity—more congenial with your true intereſts—more conſiſtent with the glorious principles, whoſe eſtabliſhment you have aſſiſted in ſealing with your blood—and leſs derogatory to your national character as men, moraliſts, and Americans, would that line of conduct be, which evinced ſome little diſpoſition to promote the *gradual* abolition of ſlavery—An evil univerſally acknowledged, and no where ſo much as among yourſelves. Let me hope, however, that the imputation of your want of humanity in this inſtance will ſoon ceaſe to have exiſtence: that the ſordid views of all *importation-wiſhers* may meet with the confuſion they merit. I deſpair not that they will—The prompt,

the

the friendly relief, always offered to foreigners, whom reverſe of fortune and other miſeries of war have caſt on your ſhores; your no leſs benevolent attention to the diſtreſſes of your own citizens; your noted hoſpitality to all ſtrangers and travellers, all, all conſpire to perſuade me, that Carolinians muſt, in the natural courſe of affairs, and, before long, be as ſtrongly characterized for their juſtice and fellow-feeling to thoſe more immediately around them at home.—Gratitude for favours ſecures an intereſt in the heart. Revenge is often the only conſolation to a mind in chains.

To return from this digreſſion. A perſon would conclude, that among theſe priſoners, made up of the dregs of ſociety, there could not poſſibly exiſt the harmony and good order which pervades and is viſible in every part of the priſon, and naturally inquire, by what means this decency of deportment can be brought about. I will anſwer you, my dear Sir: not by ſuch corporal puniſhment as whipping. This is now entirely unknown in the priſon: the keepers are not even allowed to lay violent hands on any of the criminals. I have often wondered, for my part, that, in civilized countries, ſuch a mode of puniſhment ſhould be countenanced—one that originated among ſavages. To expoſe the bare back of a human creature to the laſh of a whip, or cow-ſkin, is, to me, horrid: I never ſaw it executed, without feeling every ſenſe of indignation. It is ſurely from a principle of barbarity that a government inflicts this puniſhment; for it is practiſed among ſo many enlightened nations, that candour would forbid the attributing it to their ignorance of its inutility. Can it be ſuppoſed, that, after fixing upon a man ſo indelible a ſtigma as the furrows of the laſh, any hope of reformation can be cheriſhed? Is not all his ſpirit deſtroyed, while labouring under an infamy of the kind? And will it not finally force him to deſpair,

and

and conſequently oblige him to ſeek revenge, by repeatedly harraſſing the race who occaſioned it?—Where, I aſk, is the victim to the ſcourge, who has not become more hardened and depraved? Alas! ſad experience anſwers, None! An inſtance can ſcarcely be adduced of a criminal being thoroughly reformed by whipping. The amendment, if any, has been at moſt only temporary: juſt as when the ſoldier, who has been more than once brought to the halberd, will, while in the ranks, obey his commander, and do his duty; but is no ſooner diſcharged, than he is ripe for plunder on the ſociety with whom he is garriſoned.

Beſides, the ſlighteſt examination into the ſprings of human action will fully demonſtrate the uſeleſſneſs of this mode of puniſhment. We know that there are in every man, even in the moſt hardened offenders, ſome few ſparks of honour, a certain conſciouſneſs of the intrinſic beauty of moral goodneſs, which though they may be latent and apparently extinguiſhed, yet may at any time be kindled and rouſed into action, by the application of a proper ſtimulus. This ſtimulus muſt not be ſuch a one as would, in its operations, ſuppreſs any of thoſe paſſions with which it ought to act in uniſon; but, on the contrary, ſhould awaken them as much as poſſible. A very predominant one is emulation: deſtroy that, and you at once paralyze the efforts of the ſoul, and place the axe to the root of all that is good and great. It is this paſſion which ſpurs us to every worthy action; governs all ranks, from the prince to the peaſant; and to which we are indebted for a great part of the improvements which have taken place among mankind. Were it not for this, there would be little inducement for the moraliſt to point out the relative duties of man, conſidered as a member of ſociety; or the philoſopher to engage in his arduous reſearches into the unexplored principles of nature. Both proceed

ceed from a hope of reward, or proſpect of good: for, as the former is actuated to the practice of a virtue, becauſe it is ſo highly appreciated by his Maker, ſo the latter is anxious to be foremoſt in his diſcoveries for the utility of the world.

Emulation, then, being a principal, and often an only incentive to a moral conduct, it is evident that the puniſhment of whipping, which tends to ſtifle it, is an improper ſtimulus, and muſt neceſſarily involve in its conſequences nothing beneficial; while it cannot fail, at the ſame time, to reduce a man to the pitiable level of a human being, diſarmed of one of the moſt amiable paſſions. And what is he in this ſituation?—A mere machine, moved at pleaſure, by every ſtroke of the cat.—His labour, it is true, may be produced by it, for there is no warring againſt bodily pains; but this is the leaſt which is required: one of the principal ends of puniſhment, the amendment of the offender, is defeated, and irrecoverably loſt.

Howard ſeems to have thought, that whipping was at times abſolutely neceſſary in the management of ſome criminals, and mentions in his works, I think, an inſtance or two of its good effects. With the greateſt deference to ſo ſuperior a judgment, I can never ſubſcribe to this opinion, for the reaſons juſt mentioned. With children or boys, no other principle than that of fear will govern, and perhaps no puniſhment avail more than whipping: but where reflection once holds a poſt in the mind, I have been always firmly perſuaded, that mankind would more likely be reformed by almoſt any other mode, than by a ſeverity of this kind. A profligate ſon we find may be generally amended by precepts given in the influxious language of parental inſtruction, and why deſpair of the ſame remedy to overcome the vices of a criminal—A nation is merely a family in large. But let us look into, and examine the human heart, for the truth of this aſſertion, and what room is there

for

for doubt? Do we not perceive its natural diſpoſition ſuch as ſtubbornly to oppoſe the moſt approved precepts, when an adherence to them is demanded with the rude commands of tyrannical authority, or attempted to be enforced by a puniſhment like this. On the contrary, how yielding is it to the calm and ſoothing voice of perſuaſion or reflection!

The managers of the priſon have ſo great a confidence in the efficacy of mild and gentle meaſures of treatment, that they will not ſuffer, on any account, ſuch a conſtraintive meaſure as placing a criminal in irons; conceiving it by no means calculated to produce in the mind of the convict, the amelioration which is thought ſo eſſential for his amendment. Nor are the keepers permitted to carry ſabres, piſtols, or weapons of any kind, as is cuſtomary in priſons, nor even a cane, for fear that on a trifling provocation they might be induced to beat a criminal.

The keepers and turnkeys, my dear Sir, are not ſimilar in any reſpect to thoſe in other countries; for independent of the little inclination they might have to ill treat a criminal, the ſtrong recommendations required for their ſobriety and humanity, being always neceſſary to the appointment of proper perſons to fill thoſe offices, ſtill they would find the abuſe almoſt impracticable, from the unremitted vigilance and attention of the inſpectors. The appointment too of the jailer is more particularly attended to, as upon him, in a great meaſure, devolves a duty, which, if well executed, cannot fail to enſure a more complete ſucceſs to the new mode of diſcipline. His ſalary, therefore, is fully adequate to his ſervices, as are thoſe of the inferior officers. The total prohibition again of all perquiſites, whether ariſing from the purchaſe of favours, or the retailing of ſpirituous liquors, diſmiſſion fees, and in fact extortions of any kind—the unqualified proſcription of fetters, beating, and all arbitrary conduct whatever—

ever—and the end of the inſtitution, aiming at the reformation inſtead of the debaſement of criminals, makes the jailer's duty an humane one, and of courſe renders the place an object with many worthy perſons in the community; when in moſt parts of the world, the nature of their priſon governments partakes of ſo much depravity, that the very exiſtence of them depends on the excluſion of men of ſenſibility from thoſe ſtations. The immediate adminiſtration then of the priſon, being in the hands of officers of this oppoſite deſcription, the amendment of the priſoner, and the example given to ſociety, by his ſevere yet juſt and humane puniſhment, can be accompliſhed by few or perhaps no better regulations than what have been adopted.

On the firſt entrance of a convict, the inſpectors receive from a proper officer of the court, before whom the conviction was had, a brief report of the circumſtances attending his crime; particularly ſuch as tend to palliate or aggravate it, with other information reſpecting his behaviour on his trial, and his general conduct previous to and after receiving the ſentence of the court. This knowledge of the priſoner's character and diſpoſition, while it affords them an opportunity of aſcertaining the degree of care, which may be requiſite for the annihilation of his former bad habits, is yet attended with another advantage, that it early evinces to the criminal the ſtrictneſs with which he may afterwards expect to be treated. He is then informed of and made fully acquainted with the rules and government of the priſon, and at the ſame inſtant no pains are wanting, on the part of the inſpectors, to enforce upon his mind the ſtrength of moral obligations—the breach he has made of thoſe obligations—the conſequent injury done thereby to the ſociety which protected him—the forfeit he has made of that protection—and the neceſſity of making a compenſation by his example

or

or amendment. Add to this, every encouragement is given him to perform his duty with alacrity, and to obſerve a decency of conduct towards his keeper and co-aſſociates. Animated alſo with a promiſe and hope, that an enlargement before the expiration of the term he is ſentenced to, will moſt probably follow a long and uninterrupted line of good behaviour, the priſoner eaſily becomes ſenſible of the policy of a reſpectful, induſtrious deportment.

The inſpectors, it ought to have been mentioned, are authorized to intercede with the executive power for the pardon of reformed convicts, and are generally able by their influence to obtain it. The right nevertheleſs they never exerciſe, but with extreme caution, and unleſs, from the repeated reports of the jailer and keepers, they are perſuaded that a priſoner has uniformly demeaned himſelf with propriety, has repented of his paſt follies, and in fact that a viſible change and complete amendment has taken place.

At times the inſpectors, in their tour of duty, make it a point to diſcourſe with all the criminals, one by one ſeparately, in order to aſſure them of their relative duties, conſidered as men, moraliſts, and members of ſociety. The exhortations, on theſe occaſions, proceed from them with ſuch a philanthropic calmneſs, ſo much warmth of heart, that their appearance among the convicts never fails to caſt a freſh beam of comfort on every countenance. Richard H. M*****, Eſq. entered while we were in the women's ward. He had the jail book in one hand, and a pencil in the other. This is cuſtomary with the inſpectors on duty. Among others, a young negreſs accoſted him on the ſubject of her confinement. With ſimplicity was her tale delivered—with attention was it liſtened to. Her ſentence, if I miſtake not, was two years impriſonment, nine months only of which had been complied with. No exception was ever taken to her conduct ſince her firſt entrance; it had been regularly pleaſing. But

the demand for a diſcharge was certainly unreaſonable, and in that light viewed by Mr. M. and all of us. On his expoſtulating with her, on the impropriety of remitting ſo great a proportion of the ſentence, ſhe declared herſelf ſatisfied with his reaſoning, and reſumed her employment at the ſpinning-wheel with cheerfulneſs and activity.——Such, my friend, is the reſult of deliberate perſuaſion in matters of this kind.

A criminal again, is well aware that wantonly to inſult, or thwart the precepts of an inſpector, would, in addition to the penalties annexed to this tranſgreſſion by the rules of the houſe, render him deſpicable in the eyes of his brother convicts—a conſideration of ſerious weight with all of them. But laying this entirely aſide, we might venture to predict that nothing of the kind would probably take place. For where is the wretch ſo bold in iniquity, ſo debaſed and void of ſenſibility, who would delight in ruffling the feelings of one, whoſe only incentive to the taſk of ſuperintendance is his diſpoſition to ſooth the unfortunate—to ſeek them in their miſery—and pour into their ſouls the healing draught of conſolation? Say not among criminals, or any other claſs of men. An experiment has been made no where excepting in Pennſylvania. Even under the beſt adminiſtrations abroad, where priſoners are carefully and well treated, they have notwithſtanding been more or leſs influenced by a belief, that their good fortune proceeded rather from oſtentatious, or other motives of their benefactors, than any real ſympathy for their condition. That with all the humanity of their governors, they can ſtill diſcover in their conduct ſomething like an inward contempt for them. This, no doubt, will always remain a formidable bar to their amendment; and to remove it, it is barely neceſſary to aſſure theſe people, by actions or other means, that you attribute their ſituation to misfortune, to bad education, and other adventitious circumſtances in life—not to any innate

innate thirſt for vice or villainy. That knowing their faults and errors, you would ſooner conceal them in the unfathomable depths of oblivion, than merely cover them with the ſlight veil of a counterfeited friendſhip: all which are actually enjoined on the inſpectors, by the powerful dictates both of duty and inclination.

All means are uſed by the inſpectors to promote moral and religious improvement in the priſon, by the introduction of uſeful books amongſt thoſe who requeſt them, and the procuring the regular performance of divine ſervice. To aſſiſt them in the purſuit of the latter arrangement, the taſk is voluntarily undertaken every Sunday forenoon and afternoon, by ſome one of the ſociety of Friends,* or the clergy of different denominations, and ſometimes by the biſhop. The ſervice conſiſts of a ſermon, and a lecture, on ſubjects ſuited to the ſituation of the convicts. All the convicts, and other priſoners, both male and female, are compelled to give attendance, and arrange themſelves according to claſſes. This is the only time in the week that the different claſſes of priſoners have a view of each other. From one of the inſpectors I learned, that their attention to the ſpeaker, and decency of conduct, on theſe occaſions, is peculiarly ſtriking to a by-ſtander. The place appointed for the purpoſe is the long court of the firſt front ſtory.

After ſo many different methods of inculcating morality among the inhabitants of the jail, a very ſtrong motive to the effecting of which is found to be the good example and reformation of the major part of them, you may inquire, Are there not men, nevertheleſs, ſo hardened as to require a much more forcible reſtraint from vice than this? Is there no motive of fear to govern characters like theſe? No

* Quakers.

 puniſhment?—

puniſhment?—Yes, my friend—there is a principle not only of fear, but of horror—there is a dreaded puniſhment, as ſhall be explained to you.

When a convict has committed an offence, by refuſing to labour, by profane curſing and ſwearing, or by quarrelling and abuſive words, &c. he is firſt warned of it by the inſpectors, the jailer, or the keeper, but no harſh words are ſpoken by either of them, to damp the ſpirit of, or expoſe the priſoners. On the contrary, I repeat, that every mild meaſure is made uſe of to perſuade them from the ſame error, and how much it is their intereſt to adhere to an uniform good behaviour. If this fails in bringing a criminal to a proper ſenſe of his miſconduct, and he is obſerved to be ſtill callous, and likely to continue ſo, recourſe is finally had to a puniſhment, which places him in a ſituation where nothing but reflection can occupy his mind, and which muſt neceſſarily compel him to liſten to the advice of another monitor. This is by ſolitary confinement, which leads me to deſcribe you the cells which we laſt of all viſited.

Theſe cells are contained in a brick building of two ſtories, raiſed upon arches, and early directed by the legiſlature to be built, for the purpoſe of this mode of puniſhment. It is contiguous to the eaſt wing of the priſon, and ſituated in a yard of the dimenſions of one hundred and eighty feet by ſeventy. The greateſt part of the yard is appropriated for a garden, managed by ſome of the convicts, wherein are a variety of fruits and vegetables. In number the cells are ſixteen, and from their peculiar conſtruction and ſolitary ſituation, appear to me to be better calculated to bring an offender to a review of himſelf and conduct, than any puniſhment that can poſſibly be contrived. The dimenſions of them are eight feet in length, ſixth in breadth, and ten in height, with no ground floor, ſtrong thick partition walls and arched over with brick. They are all ranged

ranged along paſſages five feet wide, in the firſt and ſecond ſtories of the building. The entrance at the head of each ſtair-caſe is well ſecured, by a ſtrong door with locks and bolts, and the entry to each paſſage with two other doors, one of wood, faſtened by a chain to another of iron. To each cell, again, there is a wooden and iron door, the latter ſecured by a long bar fitting a ſtaple in the wall, about two feet from the door and faſtened, ſome of them with padlocks, and others by bars running through the ſtaples down to the floor. In every cell there is one ſmall window, placed high up and out of the reach of the convict; the window well ſecured by a double iron grating, ſo that, provided an effort to get to it was ſucceſsful, the perſon could perceive neither heaven or earth, on account of the thickneſs of the wall, and a *louver* outſide admitting the light in an oblique direction from above. The criminal, while confined here, is permitted no convenience of bench, table, or even bed, or any thing elſe but what is barely neceſſary to ſupport life, without a riſk of endangering his health. A privy is placed at one corner of his apartment, leading to the common ſewer communicating with the river, which may be cleanſed at pleaſure by turning a cock fixed to a pipe: this pipe is conveyed to a ciſtern, placed in the upper part of the building, near the roof, filled with water by a pump deſcending through the entries of each ſtory to a well under the building. The ſituation of theſe cells is high and healthy, not ſubject to damps, as dungeons under ground generally are. They are finiſhed with lime and plaiſter; white-waſhed twice a year; and in every reſpect as clean as any part of the priſon. In winter, ſtoves are placed in the paſſages, to keep the cells warm, from which the convicts may receive a neceſſary degree of heat, without being able to get at the fire. No communication whatever between the perſons in the different cells can be effected,

the walls being ſo thick as to render the loudeſt voice perfectly unintelligible; and as to any other ſound, excepting the keeper's voice, and the unlocking of doors, they ſeldom hear. That the criminal may be prevented from ſeeing any perſon as much as poſſible, his proviſions are only brought him once a day, and that in the morning.

You may conceive, my friend, what an effect the puniſhment of being confined in one of theſe cells muſt have on a refractory offender. For, beſides every conſideration of a dreary ſolitude and a want of comfort, and which muſt neceſſarily produce in a mind, thus forced to its own meditations, an uneaſy remembrance of the convict's crime and errors, there is added a more painful one; that is, only half an allowance of proviſions, conſiſting of bread and water. The utility of the puniſhment has been fully demonſtrated by experiment; for a priſoner was ſeldom known to continue long in a cell, before he has early become ſenſible of the difference of his ſituation, and would willingly have returned to that regularity of conduct and induſtry, which his miſguided folly had induced him to depart from. Several of the moſt hardened and audacious criminals, on whom all other modes of diſcipline were attended with effects the very reverſe of what they were deſigned to produce, and who in fact were held as objects incapable of amendment, have been, by the ſimple puniſhment of *ſolitary* confinement, transformed into ſuch a calmneſs of diſpoſition, as to have become entire new beings, and the leaſt troubleſome afterwards among the priſoners. We ſaw three perſons in the cells:—they pleaded hard for their enlargement once more among their fellow convicts, and offered to conform to any labour, to be releaſed from their miſerable manſions.

As to the quantum of confinement neceſſary to reform a priſoner, it is determined at the diſcretion

of

of the jailer, who is notwithſtanding obliged to inform the inſpectors of it as ſoon as convenient. For a criminal who refuſes to labour, it is generally forty-eight hours, and for other offences in a like proportion, according to the exigence of the caſe. It operates extremely to the prejudice of a convict to undergo this puniſhment, as he incurs by it a loſs of the expenſes of his board, waſhing, and lodging, which are ſtill charged to his debt, and to make up which muſt conſequently render his induſtry and ſervices the greater after being again employed.

Beſides thoſe ordered into the cells for tranſgreſſing the rules of the houſe, there are other perſons, whoſe original ſentence includes the article of ſolitary confinement, as well as hard labour. Theſe are the convicts contemplated by the law as belonging to the firſt claſs; ſuch as perſons guilty of rape, arſon, and other offences, of which I have already ſpoken. They are not made, however, to undergo the whole of their term of confinement at firſt, although the greateſt proportion is generally required, before they are permitted to labour. The inſpectors have the power to direct the infliction of it at ſuch intervals, and in the manner they ſhall judge beſt, provided the whole term is complied with, during the ſtay of the criminal in priſon. Perſons of this deſcription and claſs, are upon their requeſt furniſhed with a book to read, generally the New Teſtament.

There is not, perhaps, a phyſical cauſe, which has ſo powerful an influence on the moral faculty, as that of *ſolitary* confinement; inaſmuch as it is the only one which can give a friendly communication with the heart. We become by it gradually acquainted with a true knowledge of ourſelves; with the purity of the dictates preſcribed to us by our conſciences; and of courſe eaſier convinced of the neceſſity of conforming to them. It is in this ſtate of ſecluſion from the world, that the mind can be brought to contemplate

plate itſelf—to judge of its powers—and thence to acquire the reſolution and energy neceſſary to protect its avenues from the intruſion of vicious thoughts; for "the actions of men are nothing more than their "thoughts brought into ſubſtance and being." I need not preſs upon you, that theſe unfriendly viſiters are never ſo well recommended, as when aided by the diſguiſes of ſociety. They are then too apt to wreſt the ſceptre from our enthroned reflection, and leave us bereft of its ſalutary ſway. But in what ſtate can this guardian of our morals reign with more uninterrupted tranquillity, than in one where ſcarcely a wordly object preſents itſelf to the eye; or, in other words, *where* ſo uncontrouled as in the cells of the priſon? May we not hence preſume, that the unceaſing influence of ſolitude would, in time, eradicate every relict of vice which might be lurking in the inner receſſes of the mind? Certainly; and it was the confidence with the inſpectors, at a very early period, had in the reaſonableneſs of this theory, that induced them to add practice to it—a trial which, as already obſerved, has more than anſwered their moſt ſanguine hopes of its ſucceſs.

We completed, by a view of the ſolitary cells, our whole tour through the priſon. We were an hour going through the different apartments; and I declare to you, that never did I before viſit a place which gave me as much ſatisfaction—never once in a manufactory, in which induſtry and her almoſt inſeparable companions, good order and contentment, appeared to have ſo firm an abode. I had heard much of the place before I went, but confeſs it exceeded every idea I had formed of it; and to convey you the ſame perfect idea of the inſtitution I have, is not in my power. Suffice it to ſay, that our compaſſion was appealed to by no diſtreſſing tale of tyranny, or ill uſage, no cries of poverty, no ſighs nor tears of wretchedneſs: on the contrary, we witneſſed all that could

could delight and gratify the mind. Cleanlineſs not often equalled, even in private houſes—labour ever ſteady and conſtant—inſpectors inſtructing—keepers perſuading—and criminals receiving, with attention and thankfulneſs, precepts for their future regulation and conduct: in a word, the whole preſenting one pictureſque ſcene of humanity, juſtice, benevolence, and gratitude.

On taking our leave, we made offer of a ſmall donation, which was refuſed with a polite anſwer, that the priſon ſupported itſelf—and it does, my friend. Government or the public contribute not one ſhilling towards the maintenance of the jailer, keepers, &c. or to the payment of their ſalaries and other expenſes. The money is ſimply advanced by them. For a long time it was a matter of doubt with moſt people, many of them friends too to the new code, whether the proceeds of the labour of the convicts would ever defray the expenditures of the houſe. Mr. Howard himſelf aſſures us, that, "however it might appear "in ſpeculation, in practice it was always found the "reverſe. That in the beſt regulated houſes in "Holland, taxes are fixed for their ſupport." From the experience then of this ſtate, every encouragement is held out to the citizens of South Carolina, to delay no longer their aid to the completion of this grand work of philanthropy. The additional coſts which muſt naturally attend, in another country, a reform after the example of Pennſylvania, from building a ſuitable jail and penitentiary houſe, would, I am aware, preſent itſelf to numbers as an obſtacle of moment, and no doubt has already had an influence on the minds of ſuch part of the legiſlatures of other ſtates, as at preſent ſeem but *half* diſpoſed for an alteration in their criminal codes. But this conſideration ought to yield to another more weighty. The expenſe can at all events be only temporary, and would be far leſs to the government in the reſult.

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By the books and accounts of the Philadelphia priſon it appears, that the yearly aggregate of the diſburſements has not, for ſeveral years paſt, amounted to as much as it did formerly; notwithſtanding the alteration made in the modes of puniſhment throughout the ſtate has rendered it expedient to maintain more perſons in confinement, and for longer periods. For this reaſon, under the preſent diſcipline, priſoners are not governed by beating, by irons, or any capricious conſtraints of turnkeys. Convicts, vagabonds, perſons accuſed, unruly, or runaway apprentices, or ſervants, are not now intermingled and heaped together. Lenity has ſuperſeded the abuſe of power; cleanlineſs and comfort take the place of filth and miſery. Hence not as many diſeaſes, quarrels, or eſcapes—a neceſſity for fewer keepers—leſs medical aſſiſtance, carpenters, or blackſmiths repairs, &c. The phyſician's bill actually does not amount to the ſame by four-fifths; that of the blackſmith has decreaſed in a ſtill greater proportion. So that this annual overplus expected to ariſe from the greater economy of one ſyſtem than the other, would of itſelf ſoon form a fund adequate to the reimburſement of ſuch ſums as might be neceſſarily advanced for the purpoſe of commencing a reform; while the iſſues and profits of the different eſtabliſhments of manufactories by the labour of criminals, would afford a clear and conſiderable gain to the government. But even ſuppoſing, for inſtance, that the whole would occaſion an increaſe of the public taxes, what is it, when placed in competition with the numerous advantages that may follow—the peace of ſociety—the better ſecurity of the lives and property of the perſons upon whom thoſe tributes are levied. No orderly citizen would think his mite ill beſtowed for purpoſes of this kind. Legiſlatures, at every ſeſſion, employ themſelves in enacting laws for cutting new roads, beautifying cities or buildings, and public money expended to accompliſh them; while

criminal

criminal codes lay in the archives of a ſtate, and few are induced to reviſe them, until the parchments on which they are written become either muſty or worm-eaten. At the ſame time, there offers no where a more ample field for improvement than in the ſcience of forming good penal ſyſtems; for of all others it has, in proportion to its magnitude, been the leaſt attended to: and ſurely few ought to be more intereſting, as few are more immediately connected with our happineſs. The chief end of civil government is a preſervation of the ſocial compact; and as public meaſures approach to that point, ſo muſt they preſerve a greater degree of brilliancy, and become more the objects of general admiration.

To return, however. The priſon and its ſeveral apartments are under the ſuperintendance of a board or committee of inſpectors, with legal powers, choſen from the maſs of citizens. The election of one half of them takes place every ſix months, when thoſe who deſire it are generally re-elected. The appointment reſts ſtrictly with the mayor and two aldermen of Philadelphia, and the perſon choſen cannot decline without incurring a penalty of ten pounds; but the common practice latterly has been, that the inſpectors going out of office ſhould nominate as their ſucceſſors, other perſons willing to undertake the duty, which is always confirmed. The board conſiſts of twelve, ſeven of whom form a *quorum*, and meet once a fortnight in the inſpectors room. Two of them are obliged to go over the whole priſon together every Monday, and oftener, if occaſion requires, who are named *viſiting* inſpectors. Their duty is to inſpect not only the jailer and other officers, but particularly the behaviour and diſpoſition of the priſoners; to ſee that they are properly and ſufficiently employed; to inquire into their health, and take care that their food is ſerved in quantity and quality agreeably to the directions of the board; that the ſick are properly provided for; and

that

that ſuitable clothing and bedding be furniſhed to all. They hear the grievances of the priſoners, and bring forward the caſes of ſuch whoſe conduct and circumſtances may appear to merit the attention of the board. They cauſe returns to be made out by the clerk of the priſon, and laid before the committee monthly, of all the priſoners—their crimes—length of confinement—by whom committed—and how diſcharged ſince the preceding return. Beſides a regular attendance of the *viſiting* inſpectors, the priſon is every day viſited by ſome one or more of the committee. They all take great delight in, and are indefatigable in the execution of the humane taſk allotted them.

Subject to the directions of the committee are a jailereſs, four keepers, one turnkey, and a clerk. The cook, ſcullion, barber, and other attendants, are convicts, who are credited for their ſervices in proportion to the time and labour they expend. I was ſurpriſed to find a female in the firſt appointment; and, on inquiry, found that her huſband was formerly jailer. Diſcharging the duties of a tender parent towards his daughter, infected with the yellow fever in 1793, he caught the diſorder, and died, leaving the priſoners to regret the loſs of a friend and protector, and the community that of a valuable citizen. In conſideration of his faithful performance of the functions of his office, his widow was nominated to ſucceed him. She is exceedingly attentive and humane. Your uncle related to me, what to many would appear a curious anecdote of this lady. It occurred in his viſit to the priſon. After converſing with her for ſome time, he inquired of her, whether there were no inconveniencies attending the inſtitution. With the greateſt concern ſhe replied, that there was one, which gave her no ſmall degree of uneaſineſs: that the debtors in their apartments, from being able to overlook the yard of the priſon, made her fear that their converſing together, ſwearing, &c. might corrupt the *morals* of her people.

people. You may think it ſtrange, that debtors ſhould corrupt criminals; but the caſe is really ſo, for there is certainly as much if not more morality among the latter than the former. And ſo fully convinced were the inſpectors of her apprehenſions being well founded, that, to remedy the defect, they have ſince had the priſon wall raiſed.

Purſuant to the directions of the legiſlature, the priſon is, at ſtated periods, viſited by a committee, conſiſting of the mayor and a certain number of aldermen, with ſome of the judges of the ſupreme court. The governor of the ſtate likewiſe, the judges and juries of all other courts, pay a viſit to the inſtitution during the ſame intervals of time. Theſe viſits were originally intended by the legiſlature, as well in order to aſcertain how far the abolition of the old criminal code would be productive of the means of preventing wickedneſs and crimes, as to take care that the attention of the inſpectors ſhould be unremitted. They are now rendered not ſo neceſſary, as the innovation has been crowned with ſucceſs, and the vigilance of the inſpectors not likely to diminiſh, when none are appointed except upon their requeſt or conſent. They nevertheleſs anſwer one good end; for the approbation of ſuch reſpectable committees muſt at all times tend to increaſe the care of thoſe entruſted with the management of the houſe.

There are likewiſe two other viſiting committees, who do not ſuperintend, but notwithſtanding have, at any time, from the nature of their duties, free acceſs to the priſon. One is from the ſociety for alleviating the miſeries of public priſons, who, as before obſerved, were the chief promoters of the preſent improvement in the penal code. They only pay attention to that part of the priſon where the vagrants and perſons confined for trial are lodged, and to whom ſeveral of the foregoing ſalutary regulations do not extend. They afford relief to ſuffering priſoners, which they have

have been able to accompliſh to a conſiderable extent; partly by means of the annual contributions of the members, and partly by directing the diſtribution of what is occaſionally given in donations. They pay off ſmall fees when the caſe ſeems to deſerve it, and when the party would perhaps be detained for them in confinement: they alſo make applications to the magiſtracy for the enlargement of perſons illegally confined, which has ſometimes happened from the obſcurity and friendleſs condition of the parties. The other committee comes from "the ſociety for the "gradual abolition of ſlavery," who inquire into the circumſtances of every African, or other perſon of colour, and take care that none are impriſoned illegally. The ſervices of this committee, in putting a ſtop to various acts of oppreſſion and injuſtice, which otherwiſe would have taken place either from the tyranny or caprice of *men-holders*, do them infinite honour. No doubt their zeal will increaſe with their ſucceſs.

The conſequences, I repeat, which have marked the progreſs of the lateſt legiſlative amendments to the criminal laws, have been ſo favourable, that crimes have actually diminiſhed conſiderably, as will appear by the annexed tables. The preſent ſyſtem too is conſidered by its friends as ſtill in its infancy. Its effects alſo on the morals of the priſoners have been no leſs evident. Re-convictions are ſeldom heard of. Of all the convicts condemned for theſe five years paſt, not above five in a hundred have been known to return; and, to the honour of human nature be it ſpoken, that ſome of the convicts, at the expiration of their term of confinement, voluntarily * offered themſelves, while the yellow fever raged in Philadelphia, to attend the ſick as nurſes at Buſh-hill, and conducted themſelves with ſo much fidelity and

* Carey's account of the yellow fever.

tenderneſs,

tenderneſs, as to have had the repeated thanks of the managers. Few have been known to ſtay in the priſon the whole of the term to which they were ſentenced, the amendment and repentance of many of them being ſo viſible to the inſpectors as to have had a claim on the governor's clemency. Some have appropriated the proceeds of their labour, while in confinement, to the ſupport of their families; and ſeveral, on leaving the priſon, have received forty or fifty dollars, the overplus of the profits of their labour, and with this capital turned out honeſt and induſtrious members of ſociety.

Thus you obſerve, my friend, what a great portion of humanity is interwoven with the juſtice contemplated in this ſyſtem of criminal juriſprudence, and what a happy effect it has produced on the morals of the abandoned part of the people of this country. It would really appear, that the generally adopted mode of exacting the life of a fellow-citizen, for ſo many petty miſdemeanors, and even for offences which are politically and not morally wrong, that the object of puniſhments was *not* the prevention of crimes; that they were not intended for example; but that different princes and legiſlators had in view a gratification of their revenge, and an increaſe of the catalogue of offenders. The concluſion might with juſtice be drawn (were we not charitably inclined to attribute their conduct more to error than otherwiſe) by recurring for a moment to the fatal conſequences which have proceeded from the practice of ſanguinary ſyſtems, and which have been too obvious to eſcape general attention. In caſting an eye over the page of hiſtory we ſhall find, that in proportion as governments have cultivated a diſpoſition for enforcing laws, by rigorous and cruel puniſhments, in

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the ſame degree have their deſigns been fruſtrated, by the more repeated breaches of them.

Firſt, from a view of the ancients. No laws were more unjuſt, or abounded with ſo many cruel and immoderate puniſhments, as thoſe enacted in the reigns of the Roman kings, and alſo thoſe contained in the twelve tables of the Decemviri. In no inſtance, perhaps, was the depravity of human nature more completely verified, than in the calendar of crimes which diſtinguiſhed thoſe eras. When the Porcian and Valerian laws * were eſtabliſhed, the puniſhment of death was laid aſide; the magiſtrates were not even allowed to inflict corporal puniſhment on a free citizen. The virtue of the Romans at one of thoſe periods was ſo great, that Livy tells us, "the only puniſhment "denounced againſt the tranſgreſſors of the Valerian "law was, that they ſhould be deemed guilty of a "diſhoneſt action." † It was at theſe periods the republic was in its ſplendor, and happy had they been if they had never loſt ſight of the excellency of that ſyſtem! Fortunate their lot, if all the attempts, which were afterwards made to bring into repute the former penal code, had been unſucceſsful! But, alas, the reverſe was their fate! The Cornelian, Pompeian, and Julian laws,§ effected a melancholy change, by reviving the penalty of death. It was not till then that a humane ſyſtem received its firſt mortal ſtab, and the foundation of a code of juriſprudence finiſhed, which, even in the greateſt ſucceſſes of the Romans in after ages ſeemed a canker to their happineſs. Thus be-

* The former of theſe laws was made about three centuries before Chriſt, by *Porcius Læcas*, firſt tribune of the people, and afterwards one of the *Epulones*. The latter derives its name from *Valerius Poplicola*, who paſſed it not long after the expulſion of the kings, and was renewed twice; the laſt time by Valerius, a deſcendant of his, in more diſtinct terms than before.

† Book x. Chap. 9.

§ Made by Sylla, Pompey, and Cæſar.

gun,

gun, it daily acquired ſtrength, and was ſo invigorated in the reigns of Nero, Claudius, Caligula, and moſt of the Emperors ſubſequent to the time of Auguſtus, that the cruelty of puniſhments had arrived to an intolerable height—crimes were multiplied almoſt beyond former example—the people were obſerved to relapſe rapidly into their priſtine infamy and weakneſs—and the whole gradually terminated, though ſome few temporary checks were given, in the total ruin of the empire.

In more modern times, the effects of cruel puniſhments have not been leſs deplorable. In the eaſtern world, where the torture of the wheel had univerſally prevailed, till the latter end of the laſt century, crimes were evidently more frequent than after the partial abrogation of it; and in thoſe countries of Europe, in which this puniſhment was till very lately tolerated, we obſerved more heinous offences committed, than in thoſe where it was unknown. Before the late Guſtavus the Third aboliſhed torture in Sweden, and ſubſtituted pecuniary penalties, and mild corporal puniſhments, excepting for few of the moſt heinous crimes, the times diſplayed very ſtriking inſtances of the impolicy of ſevere puniſhments. The bars of the criminal courts of that country, it is well known, exhibit a far more favourable complexion now than what they did at the commencement of that prince's adminiſtration. Nor did we ever learn, that the ſame ſtep taken about that time by the government of the preſent diſmembered ſtate of Poland, had been productive of other than ſalutary conſequences.

The experience of a very populous European nation, the Ruſſians, would alone ſhew the uſeleſſneſs of capital puniſhments. In the reign of Peter the Great, the ſtatutes of blood were in full force, accompanied with the perpetration of every exceſs which ſhocks humanity, and continued ſo through the reigns of Catharine, Peter the Second, and Anne, till the acceſſion of his daughter Elizabeth. This

princeſs no ſooner repealed them than crimes diminiſhed conſiderably, and the empire flouriſhed. She governed the Ruſſias for twenty years, and effected ſuch a moderation in the penal code, as never to have put to death a criminal.* Nor has the preſent Empreſs Catharine been leſs perſuaded of the ſuperior policy of ſending felons ſlaves to Siberia, to work in the mines at Nerſhink, by her aboliſhing the puniſhment of death in every part of her dominions.§ And it is certain, that in no part of Europe are crimes ſo rare as in the Ruſſian empire.‡

* " L'Empératrice Elizabeth a achevé par la clémence, " l'ouvrage que ſon père commença par les loix. Cette indul- " gence a été même pouſſée à un point, dont il n'y a point " d'exemple dans l'hiſtoire d'aucun peuple. Elle a promis, que " pendant ſon regne *perſonne ne ſerait puni de mort*, et a *tenu* ſa " promeſſe. Elle eſt la première ſouveraine qui ait ainſi reſpecté " la vie des hommes."—*Hiſt. de Ruſſie par Voltaire.*

§ See Tatiſchef's tranſlation of the " grand inſtructions for " framing a new code of laws for the Ruſſian empire."

‡ " Les grandes crimes ont commencé à devenir plus rares " ſous ce regne, où perſonne n'a été puni de mort." *Hiſt. de Ruſſie par L'Eveſque, Tom. V.* The following firſt part of an extract from the journal of a gentleman, who reſided ſixteen months in St. Peterſburg, which he was ſo obliging as to furniſh me with, ſerves to ſtrengthen what *L'Eveſque* has advanced:— " During my ſtay here I have heard of few criminals, and not " one for an atrocious crime. This, I underſtand, is peculiar to " Ruſſia, and may be accounted for from the ſuppreſſion of ſan- " guinary puniſhments; and likewiſe to the ſtrict police adopted " throughout the empire. The eſtabliſhment of police officers " over all parts of the country, and their continual correſpondence " with each other, make it extremely difficult even for a debtor " to abſcond from his creditors. A criminal is always appre- " hended." All travellers have conſented to the fact of crimes not being near ſo frequent, ſince the paſſing of Elizabeth's edict, as before. Although the celebrated Mr. Coxe diſapproves of the generally received impreſſion, that the Ruſſian code is a politic one, and advocates the neceſſity of the puniſhment of death, yet he no where denies that crimes have diminiſhed.

In

In Holland and the Auſtrian Netherlands, few atrocious offenders are to be found.* To what better cauſe can we aſcribe this circumſtance, than to the generality of crimes being puniſhed by hard labour in the raſp, ſpinning, and other houſes of correction, and alſo to the reformation of criminals effected by the excellent diſcipline obſerved in them?

Dr. Ruſh mentions a remarkable proof of the impropriety of the puniſhment of death. "The "Duke of Tuſcany," ſays he, "ſoon after the pub- "lication of the Marquis of Beccaria's excellent "treatiſe on this ſubject, aboliſhed death as a pu- "niſhment for murder. A gentleman, who reſided "five years at Piſa, informed him, that only five "murders had been perpetrated in his dominions in "twenty years. The ſame gentleman added, that "after his reſidence in Tuſcany he ſpent three months "in Rome, where death is ſtill the puniſhment for "murder. During this ſhort period, there were ſixty "murders committed in the precincts of that city. "It is remarkable (continues the doctor) that the "manners, principles, and religion of the inhabitants "of Tuſcany and Rome are exactly the ſame. The "abolition of death alone for murder produced this "difference in the moral characters of the two na- "tions." This circumſtance I merely inſert in order to have an opportunity of corroborating it. On converſing with an Engliſh gentleman, brought up at Leghorn, who had a very general knowledge of the government and laws of the ſeveral ſtates in Italy, I

* Mr. Howard had certainly acquired, in Holland, more experience and information, to prove the inefficacy of ſeverity in puniſhments, than in any other country; for "it appears to have "been his great ſchool, to which he was never wearied in re- "turning." His works not only ſhew that *heinous* crimes are very ſeldom committed, but that even *trifling* offences are not near ſo common, as might be expected from a country of its population.

learnt that the organization of the new code of laws, by the late Grand Duke Leopold, has not only given riſe to conſiderable improvements in the priſons at Florence, but rendered offences very rare in that and other cities in the Dukedom, when compared with Rome, Genoa, Turin, or Venice.*

As a further proof of the little tendency which ſevere laws have in ſuppreſſing vice and immorality, and in fact of their injurious effects, let us only turn our eyes towards a government in the eaſtern hemiſphere, who have long ranked one of the foremoſt as advocates for ſeverity. What have been the conſequences of a ſanguinary ſyſtem in that country?—Has it been found from experience, that the morals of the vicious claſs of people have amended at all?—Have the ill-judged meaſures, I aſk, of ſo many of her parliaments, in extending death to trivial offences and contempts of the laws operated in the leaſt to prevent them?——No,—for the rights of the induſtrious and peaceable proportion of the community, are no where ſo frequently interrupted by the indolent or deſperate as in England. Although the ſecurity of their perſons and property may perhaps be *partially* accompliſhed by dragging ſome offenders to juſtice, ſtill when they reflect on ſuch an unneceſſary ſacrifice of their fellow ſubjects, they cannot but lament that

* If any credit can be given to the authorities of well-informed travellers, the fact of the wholeſome effects proceeding from a change of the penal laws of Tuſcany, ſeems to be ſufficiently eſtabliſhed. The intelligent Dr. Moore, ſpeaks highly of it in his travels; and no one with more preciſion to perſuade than General Lee in his memoirs. "In ſhort," ſays the latter, after dwelling on its policy, "Tuſcany, from being a theatre of the greateſt "crimes and villainies of every ſpecies, is become the ſafeſt and "beſt ordered ſtate of Europe." Thoſe who wiſh other and concluſive proof, have ſimply to refer to the edict of the Grand Duke himſelf, wherein are expreſſed in the preamble, and in ſtrong terms of conviction, his reaſons and motives for continuing a mitigation of puniſhments, which he declares to be founded entirely upon his *own experience of its utility*.

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a better remedy ſhould be unprovided. But how dreadful the conſideration when they perceive the ſtatute book already ſwelled to a bulk unknown in modern hiſtory, and the liſt of capital offences increaſed at every ſeſſion of their legiſlature, by new tranſgreſſions made felony without benefit of clergy. And theſe at this moment amount to upwards of two hundred.

Need more be ſaid to corroborate the foregoing, let us ſimply take a view of the American world. To repeat that crimes are leſs frequent in this country at this period than they were ſeveral years ago, and owing entirely to the late legiſlative regulations, is unneceſſary, as may be perceived from a view of the already referred to tables, and from being within the obſervation of every inhabitant; and to ſay that in no part of the known world are offences ſo ſeldom committed as in Pennſylvania, in proportion to its cenſus of inhabitants, will be granted by all ſtrangers and foreigners. At the laſt court of ſeſſions for the county of Philadelphia, there was not one third of the number of criminals I have generally obſerved on the Charleſton docket. This is a great diſproportion for a place in which there is a continual conflux of ſtrangers, and a county containing more than double the number of inhabitants of Charleſton diſtrict. Your late September calendar of delinquents was enormous. Fifty-ſix indictments to be given out at one court for aſſaults and batteries, eighty for beating conſtables, beſides the long liſt of felonies and larcenies reported by the judges to the governor, cannot avoid impreſſing the minds of the people in Pennſylvania, with a horrid idea either of your laws or police. The fault muſt exiſt in one of them, and from the knowledge and experience I have been able to collect, would rather attribute it to a defect in your penal code than to a bad police. Until you eradicate from it the penalty of death, for ſuch a

variety of petty offences, your laws will not be enforced, and the magiſtracy of them leſs reſpected.

In Maſſachuſetts, where for petty offences the puniſhment of death has been changed for conſtant and hard labour at the nail factory on Caſtle Iſland, they are not ſo common as in other ſtates where they adhere to the old ſyſtem. And in Connecticut, crimes are not very frequently committed, probably owing to the dreadful idea which perſons have of being ſent to the mines and works at Simſbury.†

Having now collected from a few references to the effects produced by ſanguinary codes of laws in different countries, that they have always derogated from the morals of their inhabitants, let us endeavour to aſcertain why ſevere puniſhments thus held up by a government, ſhould be leſs ſucceſsful in preventing crimes, than thoſe which are mild and moderate. This there can be no difficulty in doing, if we examine into the principles which generally deter a worthleſs individual of ſociety from tranſgreſſing the rights of another. The moſt forcible which governs him at this time will be allowed to be the *dread* of puniſhment, not from a divine hand (for a perſon who ſo far deviates from the paths of rectitude, as to contemplate an act of injuſtice, thinks little of a puniſhment ſo remote as not to take place in this life), but from the laws of that community, of which he is a member. That dread however does not ariſe from any cruelty or other ſeverity of which a penalty may be compounded, but from a certainty of its being inflicted, for, "it is the nature of mankind to be "terrified at the approach of the ſmalleſt inevitable "evil, whilſt hope, the beſt gift of heaven, hath the "power of diſpelling the apprehenſion of a greater." So that when a law is ſevere, the execution of it is not ſo certain as if it were a mild one. It is indeed

† Vide Maſſachuſett's Magazine for 1792.

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an undeniable poſition, that if *ſeverity* blended with a *certainty* of puniſhment, were the inevitable conſequences of a violation of the laws, offences would ſeldom be perpetrated. But this can rarely happen, from a principle of humanity inherent in the breaſts of moſt perſons, which unavoidably directs them to ſubmit to an injury, in preference to enforcing a rigorous law. Man being a compaſſionate being, will not feel ſo diſpoſed to appeal to his country for juſtice, when he is perſuaded it can be obtained on no other terms than a forfeiture of life. He cannot reconcile to himſelf the idea of taking ſo active a part againſt the dictates of his reaſon and conſcience; and will thus, from a forbearance of proſecution, impliedly encourage tranſgreſſions which his judgment diſowns, merely on account of the unreaſonableneſs of their penalties. From this gulph of error has ariſen a rock, upon which ſo many nations have divided or deſtroyed their happineſs, and are ſtill ſtrangers to the melancholy cauſe. Little did they expect, that while they paid no reſpect to *proportioning* the puniſhment to the crime, that the diſpoſition to proſecute would become the more cold and indifferent in the injured, and the rights of individuals more opened to invaſion from the feeble operation of the arm of juſtice. Leſs did they foreſee that the hardened criminal, thus taught to regard the extreme ſeverity of the puniſhment to every offence, as a freſh motive for exciting the compaſſion of the humane, would with little heſitation commence his depradations anew on ſociety, and finally trample with greater ſafety on thoſe very laws founded on a ſyſtem which miſtaken policy had deviſed as the ſtrongeſt bulwark. Whereas if puniſhments were mild, moderate, and proportional to the damage incurred, the humane would not be ſo generally deterred from proſecuting. But as long as a penalty is beyond meaſure, and evidently carries with it traces of diſproportion and injuſtice, informa-

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tions will not be ſo frequent—juries will heſitate to convict without recommending to mercy—judges to condemn—and conſequently the very intent of laws defeated, by theſe repeated examples of exemption.

The uncertainty of puniſhment, then, is the principal danger which nations have to fear. That excellent obſervation of Monteſquieu's, "La cauſe des "tous les relâchemens vient de *l'impunité* des crimes, "& non de la moderation des peines," alone ought to increaſe our caution in not admitting it amongſt us—an obſervation that has acquired at this period, it is hoped, all the ſtrength of an incontrovertible principle. An hoſt of philoſophers have already acknowledged its reaſonableneſs in theory, and different ages and nations ſeem to have crowded as it were, to fix it immoveably on the broad baſis of experience. For what occaſioned the number of crimes and inſolvent debtors at Rome, under the ſeverity of the twelve tables, but the flattering hopes and examples of impunity?* What moulded the minds of the Romans for near three centuries afterwards, to a ſtate of virtue and happineſs, ſcarcely equalled ſince in the annals of hiſtory? Was it not the certainty of puniſhments and mildneſs of their laws? Why again are crimes now leſs common in Tuſcany than in other ſtates of Italy, unleſs from the number of *ſanctuaries*, and "the *eaſe with which*

* An hiſtorian ſpeaking of the liberty given to creditors to diſmember the body of a debtor, obſerves, that "the advocates "for this ſavage law inſiſted, that it muſt ſtrongly operate in "deterring idleneſs and fraud from contracting debts, which "they were unable to diſcharge; but experience would diſſipate "this ſalutary terror by proving, that no creditor could be found "to exact this unprofitable penalty of life or limb. As the man-"ners of Rome were inſenſibly poliſhed, the criminal code of the "Decemvirs was aboliſhed by the humanity of accuſers, wit-"neſſes, and judges, and *impunity* became the conſequence of "*immoderate* rigour." Gib. Hiſt. Riſe and Fall Rom. Em. 8 vol. page 93.

"*pardons*

" *pardons are obtained*" † in the latter, and the total abolition of them in the former? To the foregoing may be added, that in Ruſſia, where offences are rare, the *certainty* of puniſhment is great; ‡ while in no country is the impunity of criminals ſo trifling as in Pennſylvania, § or ſo notorious as in England. ‖

On another ground permit me to purſue this ſubject. A principal object of puniſhment, it has been ſaid, is to hold out an example to ſociety, in order to deter others from offending. The taking the life now of an unfortunate wretch is not ſuch an example, as would prevent a depraved individual from launching into the ſame vicious courſe of life, and no perſon can

† Moore's Travels, vol. 4.

‡ " Crimes, I perceive (ſays a foreigner), do not go unpuniſhed " here as in other parts of Europe I have viſited. Pardons are " ſeldom or never heard of. A valet de chambre of an Italian " Ambaſſador having committed an offence laſt week, by wounding a Ruſſian (but not without ſome provocation), it was not " till after an uncommon exertion of the Ambaſſador's intereſt at " court, that a remiſſion of ſuch part of the ſentence condemning " him to the mines was granted. He notwithſtanding had his " noſtrils ſlit, and was immediately ordered out of the Empreſs's " dominions." Continued from the firſt part of third note, page 70. marked with inverted commas.

Mr. Coxe offers us one of the beſt proofs of the certainty of the laws being enforced, when he gives us to underſtand in the anſwer of the Empreſs to his ſeventh query, " that criminals " never receive a mitigation of their ſentences, unleſs upon a " general or particular amneſty."

§ Formerly the acquittals formed full one half of the perſons tried—Now they ſcarcely exceed an eighth part.

‖ From the tables in Howard's *State of Priſons*, we learn that, at the different aſſizes within the Oxford circuit, for ſeven years, from 1764, 690 perſons were tried, and 615 acquitted; beſides 293 diſcharged by proclamation. Within the home circuit, from 1764 to 1770 incluſive, 159 burnt in the hand, 96 whipped, and 386 acquitted. In the Norfolk circuit, from 1750 to 1772, 434 condemned to death, and only 117 executed. In the ſame ſpace of time for the Midland circuit, 518 condemned to death, and 116 executed. And at the Old Bailey, London, from 1749 to 1771 incluſive, 1121 ſentenced to die, and 678 executed.

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doubt this who was ever preſent at an execution. The trifling ſhare of pain a convict is ſenſible of, and the eaſe which attends his departure from mortality, is an exhibition not calculated to create more than a temporary degree of awe in a ſurrounding multitude, and productive of effects too ſudden and violent to leave any durable impreſſions on their minds. When theſe impreſſions again are apt to create in the breaſt of a ſpectator, any other emotions than thoſe of terror and deteſtation of the ſufferer's offence, the conſequences are ſtill more prejudicial. How often, nevertheleſs, do we experience ſenſations the very oppoſite of theſe? Is there ſcarcely an execution, which does not either prompt us to an admiration of the criminal's intrepidity, or excite our compaſſion for his diſtreſs; and thus, by affording a ſcene of virtue and ſenſibility, render us forgetful of the crime which gave birth to it? Above all, how many men are there, who look upon the ceremony of a ſcaffold proceſſion with all the indignation imaginable! For myſelf I can avow that, on this occaſion, the following train of reaſoning forces itſelf upon my mind. What means this tumult, that diſorders in this manner the peace and happineſs of ſociety? What this combination of thouſands—this waging war againſt an helpleſs individual? Does the exiſtence of one poor delinquent endanger the ſecurity of a government or nation? If ſo, alas, my country, how art thou fallen! Weak in condition indeed! Where is thy *boaſted ſtrength and energy*, thoſe expreſſions the infant lips of thy citizens have ſo often uttered, and to which we would all attend with the ſweeteſt rapture? If deprived of it, is it ſtill neceſſary that thou ſhouldeſt in this ſolemn and open manner, proclaim thy inability to protect and defend thyſelf? *He has committed a crime*, I might be anſwered; *the people muſt feel the ſovereignty if the government and laws.* And can they not accompliſh this except by the perpetration of a crime? Becauſe they have aggregately

gregately ſuſtained, perhaps not much more than a trifling inconvenience, they are, on this account, to ſeek a poſitive injury, by the loſs and murder of a fellow-creature? Muſt private revenge be abhorred, and a public example of it conſidered as a juſt and proper ſpectacle for a populace? Oh Juſtice! Virtue! Why do men perſiſt in miſconſtruing your divine excellencies? When will they learn, that to reverence a right we all claim from nature, is the only policy which can combine with public tranquillity, the ſecurity of individual comfort. I could not deliberately, and in perfect poſſeſſion of my reaſoning faculties, take the life of an individual, for robbing me of a few ſhillings. Morality riſes in ſtern oppoſition to it —the adviſer, which my Maker has mercifully placed in my boſom, threatens judgment on my future happineſs, were I even to harbour a doubt reſpecting it: what, then, muſt I think of the community who can do ſuch an act? Ought they not to be pronounced as *barbarouſly* vindictive? The action which is in itſelf immoral, cannot become leſs ſo in receiving the ſolemn ſanction of a nation; and to detect public vices, we need only keep in remembrance that nations are but powerful individuals, and equally required with them to be juſt and humane. Theſe reflections, my friend, dwell with weight on my mind, and, I believe, equally influence the minds of others. Or whence the reaſon, that the office of jack-ketch, who innocently executes his country's decrees, is held in univerſal and degrading contempt? Why that general readineſs to ſign a petition for a convict's pardon? It is becauſe men conſcientiouſly diſapprove of, and think with horror on, theſe repeated examples of barbarity and injuſtice.

Crimes may be called diſorders of a ſtate, perpetrators of them the parts affected, and legiſlatures the preſcribing phyſicians. How ſurpriſing, that no other remedy ſhould be applied to eradicate the complaint

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than an *amputation* of the infected limb! This is surely not congenial with the practice of the *regular-bred* gentlemen of the faculty; for we find that, in a *bodily* wound or diſeaſe, this operation is never reſorted to, except in a caſe of the utmoſt neceſſity, and until all other efforts to prevent its contaminating or injuring the whole ſyſtem have been rendered abortive. For a legiſlature then to doom to deſtruction a criminal, without making *one* ſingle exertion to reſtore him to a juſt performance of his duties as an individual of ſociety, muſt appear as prepoſterous, ridiculous, and cruel, as to deprive the human body of one of its members, merely becauſe *that* member is the ſeat of complaint. And yet we repeatedly hear this public conduct juſtified by ſome men, on the principle that criminals *cannot* be reformed, or in words more emphatic to convey their ideas, *that moſt diſeaſes cannot be cured.* The cloſer this poſition is examined, the ſtronger muſt we reprobate it, as not only irrational and pernicious, but extremely weak in its foundation. I recollected the other day an obſervation of our American Æſculapius,* at the concluſion

* Dr. Ruſh. This name is applied to the Doctor, from the ſkill and eminence to which he has arrived in his profeſſion, and from the circumſtance of his reviving a ſyſtem of medicine, founded on principles reaſonable, and at once clear to the mind that will unfetter itſelf of prejudice. It is not however the doctrine with reaſon on its ſide, that will always and at firſt make many proſelytes; for, notwithſtanding the enlightened era in which we live, the reverſe is daily experienced. Any digreſſion from a long trodden path, however it might have in view the intereſt and convenience of mankind, by ſimplifying or throwing light upon a ſcience, ſeldom fails at the ſame time to rouſe either the ſhort-lived energy of bitter malevolence, or, what is more provoking, the contemptible oppoſition of *conſummate* ignorance. So has it been with this reſpectable character—a character whoſe ſervices may be known by ſimply calling to mind the fall of 1793. When the capital of his country lay nearly deſolated by the unrelenting fury of a peſtilence, he ſcorned to deny his aſſiſtance to the helpleſs, and fly to the

cluſion of a courſe of lectures to his medical ſtudents, that all diſeaſes, not including thoſe from accidental or other ſudden wounds, might be cured, were it not for the interpoſition of three cauſes; and the moſt important of them, he urged, was the neglect or unſkilfulneſs of the phyſician. The obſervation now ſtrikes me, as being clearly applicable to public or moral diſorders; for if we only trace the ſource of all corruption and derangement of the ſocial ſyſtem, we ſhall perceive that it originates, like moſt ſimple diſeaſes, not from any ſudden wound or contuſion, but from a trifling affection, ſprung into exiſtence from the neglect of a criminal, and daily matured by the ſtill greater neglect or ignorance of governments. The moſt enlightened ſtate phyſicians have not yet been able to preſerve, in this reſpect, a perfect national health. No wonder, when they have been ſo long and erroneouſly taught to deſpair, in every caſe of mental depravity.

The conduct, again, of thoſe legiſlatures, who indiſcriminately inflict the puniſhment of death for ſo many *different* offences, muſt, upon the leaſt reflection, appear conſonant to no principle of reaſon; and, on deliberation, will be diſcovered to be a direct in-

the aſylum his independence might have procured him. At once determined to combat an hydra unknown in his former practice, his fertile genius no ſooner furniſhed him with weapons of defence, than his intrepidity to the impending danger inſured a victory, ſo far as to have weakened the rapacity of the monſter. From a dear bought experience, and paid for nearly at the price of his uſeful life, he had an opportunity to bring forward principles in the healing art—theſe principles he has ſince advanced as juſt, from the cleareſt theoretical reaſoning, and borne up by the ſtrongeſt evidences of a ſucceſsful practice. And ſtill there are opponents of this philoſopher as well as phyſician, who have dared to aſcribe to his *viſionary* imagination, what can only be imputed to a defect in their intellects, or perverſion of their hearts. Fortunately, thoſe of the latter claſs enjoy not the potency of Jove, or we might, ere this period, have ſeen a RUSH proſtrately ſharing the fate of the *Reſtorer* of Hippolytus.

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fringement on the privileges of mankind. It needs no demonſtration to prove, that the heinous offence of murdering a fellow-creature muſt imprint on the mind a much ſtronger ſenſe of reſentment, than the petty offence of ſtealing a yard of cloth. The former pictures to the imagination the baſeneſs of the human heart in its deepeſt dye, and naturally implants in the mind an eagerneſs to puniſh ſeverely the perpetrator, while the latter will ſimply call forth a ſentiment of ſorrow for the frailties of a brother member, which might have been checked perhaps in their operations, had the guardians of his juvenile moments inſtilled into his mind, when tender, the precepts of moral juſtice. Upon what principle, then, can the ſame puniſhment for theſe two offences be juſtified? Upon what ground of equity is it ſupported? Is not the general practice of it a direct implication that there is no diſtinction between murder and theft? And as there does exiſt a difference, is it not abſurd in the extreme, nay impolitic, to force upon men a belief to the contrary? Why then do nations continue bigoted in favour of a practice ſo detrimental to public happineſs, and which long experience has declared as anſwering the worſt of purpoſes? Monſtrous iniquity! Age of contradictions! How much is it to be lamented, that, in an era of civilization, ſo palpable an inconſiſtency ſhould exiſt. The mariner would be deemed a novice, were he to ſet an equal preſs of ſail in freſh and in moderate breezes; the phyſician a quack, to preſcribe the ſame remedy for different diſeaſes; the lawyer a pretended profeſſor, for commencing the ſame action for every injury; and yet the legiſlatures of moſt countries (including thoſe of ſeveral of our ſtates) who inflict the penalty of death for murders, burglaries, petty thefts, &c. without diſtinction, are held up as compoſed of men ſelected for their wiſdom, humunity, and juſtice. And in what inſtances have they diſ-

covered

covered theſe attributes? Their knowledge ſurely cannot conſiſt in imitating a ſyſtem, begotten in tyranny, and ſanctioned by error and cuſtom: their love of the human race is not evidenced by the numerous victims to their laws: and their juſtice, I hope, will not be ſaid to exiſt in ſuch an uſurpation of power over the life of an individual.

Independent, then, of the ill policy of capital puniſhments, proved by the diſadvantages accruing to communities ſince the introduction of them, they ought not to be permitted in a free government, inaſmuch as it is an encroachment, as juſt obſerved, on the rights of individuals. It may ſeem ſtrange, that the power of a legiſlature, appointed by the nation at large, and who are ſaid to ſpeak the will of the people, ſhould be queſtioned, and that laws paſſed by them ſhould be deemed unjuſt: ſuch nevertheleſs is the caſe. The idea ſo generally accepted, that a ſociety can enact any laws whatever, for the their regulation and benefit, will, upon being viewed ſtrictly, turn out an erroneous one. Although the ſovereignty of a country may exerciſe all the authority veſted in them, by the common conſent of the governed, yet it ſhould be recollected, that they can hold no more power than their conſtituents themſelves could poſſeſs; and if they make uſe of any other, it is aſſumed. To illuſtrate this: Men originally had the privilege of doing whatever they pleaſed, without any kind of reſtraint, which was not forbidden by the laws of nature or laws of God, which we deem their natural liberty. From the numberleſs inconveniences under which they laboured, by living without government and laws; from the expoſure of ſome to the depredations of thoſe more ſtrong and cunning than others, they were thus early induced to form themſelves into civil ſociety. From a ſenſe of their weakneſſes, they were urged to this method of ſecuring to them what they were unable to protect

 themſelves;

themſelves; and for that purpoſe deemed it neceſſary that each member ſhould reſign a certain proportion of his natural liberty, in order to enjoy in tranquillity and ſafety the remainder, called his rational or civil liberty. This portion he threw into the common ſtock, upon an implied condition, that the whole ſhould protect and defend him from one his ſuperior in ſtrength, and which they are bound to do, until he forfeits his protection by refuſing to ſubmit to the will of the whole. The amount of all theſe portions conſtituting what we term the ſovereign power, and being veſted in one or many, as the whole ſhall think proper, it hence reſults, that nations cannot ſucceed to more privileges than thoſe which belonged to the individuals who compoſe them, while in a ſtate of nature. How happens it then, that the ſupreme power of a ſociety can ſend out of animal exiſtence the tranſgreſſor of its decrees? Life is the moſt tranſcendent privilege which man can poſſibly enjoy. It is the choiceſt gift of his Creator, and beſtowed on him for the expreſs purpoſe of anſwering the end of his creation. That life cannot be taken from him, unleſs by the expreſs permiſſion of more than human authority, deducible from the laws of nature, or if you pleaſe, my friend, from thoſe of revelation. Can we collect from either of theſe laws, that one man has dominion over the life of another?—No—By the law of nature a man may not even kill his enemy; he has only a right over his life in one particular caſe, and that of an abſolute and extreme neceſſity, as where an attack is made upon him, with an intention to kill, and his own preſervation depends on the immediate deſtruction of his antagoniſt. But this neceſſity cannot exiſt, if we can otherwiſe diſable a man from injuring us, by confining his perſon.

Nor can any permiſſion revealed to us, authorizing the puniſhment of death, be ſaid really to exiſt. Although

though it is juſtified by a celebrated writer,* from the ſuppoſed precept delivered to Noah, that "whoſo "ſheddeth man's blood, by man ſhall his blood be "ſhed:" yet I coincide perfectly with Dr. Ruſh,† who in his expoſition of this ſentence, thinks it to be "a *prediction* rather than a *law*." We well know, that the unjuſt death or wounding of one perſon, will be often apt, from different circumſtances, ſuch as rouſing the indignation or revenge of the relations and friends of the deceaſed, &c. to produce other bloodſhed: and in a belief that it is not a law, I am confirmed beyond doubt, when I advert to another text of ſcripture more poſitive, and where we are expreſsly enjoined an obſervance of the commandment, "thou ſhalt not kill." Some perhaps may ſupport the juſtice of the puniſhment of death, under the law of retaliation, as an eye for an eye, tooth for a tooth, &c. On this law it is merely neceſſary to obſerve, that however expedient Moſes might have deemed ſeverity and cruelty for the government of the Jewiſh nation (for they were of all people the moſt profligate in principle, as well as barbarous in manners, and their leader no leſs diſtinguiſhed for his inexorable mandates) ſtill the ſame policy cannot be ſaid to ſuit nations, whoſe manners have been meliorated by time, and the influence of the doctrines of the Prince of Peace. He gave us ſo many precepts of morality and forbearance, that none can aſſume the title of his followers, and retain at the ſame time practice and principles which in his divine miſſion he ſo directly forbids.—Another thing, we are all taught to believe, that we have no authority to put a period to our own exiſtence, as being an act contrary to every principle of morality: if ſo, how can we undertake to deprive another of life, unleſs in the ſimple

* Judge Blackſtone.

† Vide "Inquiry into the Effects of public puniſhments upon criminals and upon ſociety."

inſtance already mentioned, of ſelf-defence, the firſt law of nature.

As a man then has not a power over his own life in his natural ſtate, much leſs over that of another, and as a ſociety can hold no other authority, than it derives from the men who compoſe it were entitled to in a ſtate of nature, it is clear that it cannot put to death any one of its members. But admitting that the power of taking life was veſted in a man while in a ſtate of nature, upon what principle is it underſtood as transferred to the community he entered into? It has been obſerved that the individuals ſubſcribed their ſeveral portions of natural liberty, for the benefit of themſelves. It was a proſpect of future convenience, a conſideration of comfort and happineſs, which prompted each of them to enter into the compact of ſociety. In making a ſacrifice of what he conceived part of that liberty, it could never be ſuppoſed that he intended to include his greateſt privilege, that of life, a liberty, the foundation of every other bleſſing. The portion was reſigned in order to ſecure the remainder, which neceſſarily implies, that *part* only of the thing is diſpoſed of. But where the whole is conveyed at once, which is his life, how can there exiſt a remainder? As the original contract then between men to form ſociety was only implied, and a proſpect of good, a promiſe of future comfort, the conſideration offered by the compact for each of the individual's portion, it follows, that ſociety is obligated above all, to preſerve the exiſtence of its members. So that, take the queſtion in whatever view we will, whether we ſay, that man in his natural ſtate had no privilege of taking the life of another, except for his immediate defence and preſervation; or whether we determine that he had ſuch a privilege, we ſtill can have no heſitation in declaring, that in the firſt caſe the puniſhment of death is *tyrannical*, becauſe the power can be derived from nothing human;

and

and in the ſecond inſtance, that it is *unjuſt*, as it cannot be conceived, that man on entering into civil ſociety, ſhould renounce ſo valuable a liberty as life.

The puniſhment of death thus aſcertained to be an encroachment on the rights of the citizen, I would wiſh to go one ſtep farther than the legiſlature of Pennſylvania—I ſhould be happy to obſerve it aboliſhed even in the caſe of murder: and for this reaſon. Murder is the higheſt offence which man can poſſibly commit; an action which betrays the depravity of the human heart in its blackeſt garb; a crime directly violating all laws both human and divine, and therefore ſhould be puniſhed with the ſevereſt penalty that ſociety can inflict. I will not be ſaid to contradict myſelf, when I aſſert, that to take life is by no means ſufficiently ſevere. The principle on which I reprobate the puniſhment of death is, that it is impolitic and unjuſt; that it is too ſanguinary, and exceeding in proportion the injury proceeding from moſt offences, but evidently too mild for the crime of cool and deliberate murder. True is it, that it is the higheſt forfeit which can be made, but never can be conſidered as the moſt painful. What puniſhment you will aſk inſtead of death can be ſubſtituted for ſo horrid a crime as murder? The anſwer is obvious: ſuch an one as is of longer duration, and calculated to make *repeated* rather than *violent* impreſſions; and which once witneſſed, thought of, or deſcribed, would always preſerve in a perſon's mind a recollection or idea of the ſufferer's ſituation. This might be effected without infringing the laws of humanity, by a puniſhment for life, compounded of equal proportions of hard labour, and ſolitary confinement, in a dungeon or cell of the deſcription I have given you. The murderer is no ſooner placed in one of theſe cells, than he finds himſelf in the moſt dreary abode the human mind can conceive. Admitted as little as poſſible to the ſight of his own ſpecies; ſojourner amidſt, yet a

ſtranger to all the beauties of variegated nature, his eyes are gratified by the countenances of none of his fellow-creatures, excepting of his keeper, and perhaps a ſtranger, whom curioſity might now and then direct to a view of his loneſome habitation: indulged by no proſpect of the glorious ſun vivifying by his benign influence every part of animated creation, and tinging in his brightened courſe the etherial manſions; none of the illumined planets, purſuing with regularity through the ſpotted firmament, their deſtined revolutions. Deaf to all the ſounds which delight the ear, the tuneful notes of the feathered ſongſters can gain no admittance into his lonely cell. He hears ſcarcely a ſound, unleſs the majeſtic *ordnance of heaven*, or the daily grating of iron bolts and doors. Theſe, with the additional conſideration of want of every comfort, render his condition truly miſerable. But even all this might be tolerably ſupported, had he not to encounter an enemy too formidable to ſubdue, and from which there is no retreating. Harraſſed by the weapons of ſelf-torment; his ſoul pierced by the keen ſhafts of conſcious guilt; he attempts, but in vain, to ſeek ſhelter in thought, for there he finds no aſylum. Daily ſwallowing thus the bitter draught of remorſe and wretchedneſs, his wearied frame enjoys but a ſhort reſpite, even ſhould ſleep take poſſeſſion of his limbs; for his mind's reſt is at times diſturbed by the ſpectres attendant on an unhappy conſcience, preſenting themſelves in all the hideous forms, torture of thought can ſuggeſt: and when he awakes, 'tis only to behold in imagination, the angry appearance of offended majeſty. What ſituation can be more painful! What puniſhment more proper for a murderer! Why it is not inflicted by the legiſlature of this ſtate, I am at a loſs to account for, unleſs they have imbibed that common received opinion, founded on the Levitical law, that life is the only equivalent for life.

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The criminal laws of Pennſylvania, have nevertheleſs approached in the neareſt degree to perfection, by aboliſhing the puniſhment of death for every other crime; and when we contraſt them with thoſe of other nations, with what admiration do we behold them. For inſtance: the three objects of penal laws, or the ends for which puniſhments are deſigned, are the *amendment* of the criminal—the *reparation to* the injured ſociety or individual—and a *prevention* of the ſame offence, by an *example* of the offender. Let us endeavour to diſcover, how far the laws of Great Britain, imitated by a great portion of our ſtates, accompliſh theſe objects.

Murder, robbery, burglary, forgery, horſe-ſtealing, and above two hundred other felonies, likewiſe ſtealing a ſecond time above the value of twelve pence, are puniſhed with death. This puts reformation out of the queſtion, as the convict is deprived of life. The reparation to the injured community is none at all, or at any event very trifling, excepting the *body* of a malefactor, in the ſingle caſe of murder, can be deemed a ſatisfaction. The example is not worth mentioning, as affording a ſcene of barbarity and injuſtice, often exciting the indignation, but ſeldom the fear of individuals.

Receiving ſtolen goods, perjury, libelling, uſing falſe weights and meaſures, or petty thefts under the value of twelve pence, are reſpectively puniſhed with diſgraceful puniſhments, ſuch as ſtanding in the pillory, burning in the hand, and public whipping, which are ſtill farther from anſwering any good end. Reſtitution by either of theſe methods is equally unattainable, for the government are at every expenſe of ſupporting perſons guilty of the offences, while in confinement, trying them, and inflicting the puniſhment; and no ſooner do they ſtand their time in the pillory, are burnt in the hand, or receive the appointed number of ſtripes, than they are once more let looſe upon the

community. As for reformation, they are evidently worſe than before: for beſides their feelings being hardened, and often utterly deſtroyed, from having ſuch a ſtigma fixed on them (for the reaſons given in the former part of this letter) they have at the ſame time acquired, while in jail, a habit of indolence (not to mention numerous other vices) which they afterwards find a difficulty in diveſting themſelves of. The example is little better than the reſt, for what rogue would heſitate to offend, when he knew, that the only riſk run was either of theſe puniſhments.

By the laws now of this country, all the ends of puniſhment are anſwered. The *reſtitution* to injured ſociety is produced by the perſonal induſtry, labour, and ſervices of the convict. The *reformation* is naturally effected, from living a regular, ſober, and moral life during his confinement in priſon—from being long initiated into conſtant habits of induſtry, in following a trade or occupation; while the certainty of the laws being enforced, by the offender's being brought to juſtice, from no interference of an idea of the unjuſt meaſure of the puniſhment, will always operate as a ſufficient *example*, and thereby prove a more ample ſecurity to the rights of individuals. And even were theſe three grand objects defeated (which on the contrary are daily effected) there is ſtill left a pleaſant reflection, that without having recourſe to cruelty, the criminal is at any rate prevented from haraſſing the community.

By the laws of England enforced in other ſtates, a variety of tranſgreſſions, widely different from each other in their degrees of criminality, fall indiſcriminately under one title or crime, and attended with the ſame puniſhment. Inſtance thoſe included under the general definition of murder. In this country, it is confined to any kind of wilful, deliberate, and premeditated killing, or to killing occaſioned in the perpetration, or attempt to perpetrate, either rape,

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arſon, burglary, or robbery. All other murders are of the ſecond degree.

An important defect in moſt criminal codes, which does not exiſt in Pennſylvania, ariſes from the permiſſion at times of a trifling concurrence of circumſtances, and indeed of a ſingle one, as evidence for crimes the moſt heinous and uncommon. By a ſtatute of James the Firſt, the concealment of the death of a baſtard child is made *concluſive* teſtimony of its being murdered by the mother: a more abſurd concluſion can ſcarcely be drawn; and ſtill it has been blindly ſanctioned in ſeveral American ſtates. Legiſlators are ſurely determined to preſume againſt human nature in every inſtance, and ſwallow with the greateſt avidity the belief of a crime the moſt unnatural to perpetrate: elſe why ſhould this conſtrained preſumption hold good. Ought the act of concealing the death of an infant which was born alive—or rather the errors of frail nature—often perhaps the fruit of cruelly betrayed love, and which divulged would only expoſe a female to the general contempt of ſociety—ought this act, I aſk, offer to the mind the leaſt ground of ſuſpicion, that the parent had murdered the infant?—No—we ſhould rather conclude, that it was the ſenſe of ſhame ſo powerfully predominant in a female breaſt, that prompted her to the ſtep of ſecrecy; a ſtep equally dictated by prudence, neceſſity, and nature. No wonder, my friend, that we ſhould hear of a female even applying to the horrid reſource of murdering an infant, whoſe life is of little value, when the arrows of public infamy are in all inſtances darted without diſtinction, and without recollecting, that while they may meaſure juſtice to the abandoned proſtitute, they fail not to pierce at times the moſt virtuous boſom. Shame to the ſentiment, which involves, in the vortex of vice, every obedience to a natural impulſe, not immediately clothed with the garb and ſanction of matrimony! *Want of virtue* is one

one thing—*want of inſight* into the baſe proteſtations and artifices of a ſeducer, a very different one. Let this falſe ſtep in a woman, however, bear even a deeper tint than the latter; let it be called *imprudence;* it may incline her, it is true, to her own prejudice, ſo far as to incur the contempt of many around her; but how can ſhe fall under the cenſure of her own or any generous mind, when ſupported by a conſciouſneſs, that it was the want of her *lover's* virtue, not her own, that wreſted from her a public eſteem ſhe had not deſervedly forfeited?

But, notwithſtanding, we muſt applaud the example of Pennſylvania, in requiring *probable preſumptive proof of the fact, before the conſtrained preſumption, that the child, whoſe death is concealed, was therefore murdered by its mother*, ſhould be ſufficient to convict the party indicted; yet, what were her motives for adopting the miſtaken policy of a ſiſter ſtate,* and making the *concealment* of a baſtard's death a puniſhable offence, I have not been able to diſcover. It has been eſtabliſhed, that "every puniſhment which "is not abſolutely neceſſary for the prevention of "crimes, is a cruel and tyrannical act;" ſo, on the ſame principle, the neceſſity of making any defined action a crime, ought only to ariſe from that act having already proved a ſource, or likely to occaſion an injury to the community or an individual.—To make then this ſtep of a parent, a crime, puniſhable by hard labour, fine, or impriſonment, is highly unneceſſary and unjuſt. If its conſequences at all affect the community, they are rather beneficial than otherwiſe; for a woman, by withholding her errors from the public mind, is happily preſerved from various acts of deſpair, to which her own diſtreſs, and the ſtrong current of popular infamy muſt eventually have driven her.

* New Hampſhire.

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The meaſure of puniſhment being fixed by a diſcretionary power, veſted in the judges of the court, is *another* peculiar trait in the juſtice of the Pennſylvania code, and which you will readily pronounce ſo, if you advert for a moment to the impracticability of otherwiſe proportioning the puniſhment to the crime. For inſtance, ſuppoſe the puniſhment for manſlaughter, or for murder of the ſecond degree, were defined to be ſix years ſolitary confinement, and twelve years hard labour. A man may be guilty of one of theſe crimes, but with a variety of favourable incidents appearing on the trial, ſuch as *the firſt or aggravating provocation of the deceaſed; his death occaſioned by a blow, given upon ſudden or violent paſſion, &c.* Although a jury, in this caſe, may be well perſuaded, that the offence is in ſome meaſure criminal, yet they will acquit entirely, or recommend to mercy, rather than expoſe a citizen to a puniſhment beyond meaſure. So, if a petty theft were to be puniſhed with ſix months hard labour, it is evident that it would not be adequate for an old and troubleſome offender. It has long been a ſubject of deep concern to every humane mind, that in moſt countries the meaſure of puniſhment has in ſome caſes groſsly exceeded, and in others by no means equalled, the grade of the offender's guilt.—Too often has a man, convicted of an high degree of man-killing, for want of a few legal requiſites to bring the crime within the definition of a murder, eſcaped with a verdict of manſlaughter, or a trifling ſinge on the hand, while one perhaps of ſuperior feelings, from an improper method of ſupplying his immediate wants, renounces his life. Oftner is the convict, from the kind interpoſition of mercy, in extricating him from the talons of injuſtice, induced to believe the *propriety* of impunity, when, in fact, it was only the conflict occaſioned by the little ſway juſtice had, which favoured him with an eſcape. Whereas here nothing of the kind can exiſt. The judges ſentence, according

to

to the circumſtances under which the crime is committed; in doing which, they take into conſideration the opportunity for vice offered at the time—the place, age, education, and general good or bad conduct of the delinquent through life—the paſſion which governed him—and in proportion to theſe, and a variety of other aggravating and extenuating circumſtances, ſhorten or protract the term of labour or confinement: ſo that no inſtance is likely to happen, of an offender, in the cuſtody of the laws eſcaping a merited puniſhment. By theſe means juſtice will be impartially adminiſtered, and no penalty impoſed diſproportionate to the offence, unleſs the power ſhould be abuſed by the judges. There can be little probability of this taking place, when men, ſelected for their judgment, character, and integrity, are generally called to thoſe ſtations. And even were it to happen, the mercy of the executive is always ready to reſcue a citizen from oppreſſion. The pardoning power, however, is ſeldom or never exerted in any other inſtance, which brings to my recollection a preſage of Beccaria's, "*Happy the country in which it would be "conſidered as dangerous!*" Pennſylvania, then, is that country. Scarcely a ſingle inſtance has occurred, ſince the eſtabliſhment of the new penal ſyſtem, of a criminal's ſentence being wholly remitted: many convicts, it is true, receive a mitigation of their puniſhment, after being reformed; yet, till that amendment takes place, they are made to ſuffer all the rigor of their ſentences. Nor can any counterfeited reformation of a priſoner procure the pardon of the governor. The inſpectors, jailer, and keepers, muſt have gradually obſerved its progreſs, and even under the moſt favourable circumſtances, they never think of interfering for his releaſe, unleſs he has completed the greateſt proportion of his term of labour and confinement.

It would notwithſtanding be more deſirable to annihilate all hopes of remiſſion, after a conviction has once taken place. Executive clemency, in any ſhape, can only be neceſſary in thoſe parts of the world, where laws are unjuſt, and puniſhments cruel and ſevere; and then, like all other defects in the ſyſtem with which it is engrafted, it ſolemnly publiſhes the uncertainty of the laws, ſilently diſarms them of their ſovereignty, and by extending an act of humanity to a ſingle individual, aſſiſts in throwing down a fabric of public protection, long enervated and tottering with other continued ſhocks of impunity. But in a country where puniſhments are moderate, and meaſured with the guilt of criminals; whoſe legiſlation beams with juſtice and benevolence, the prerogative of pardons becomes highly pernicious, if exerciſed. It is then the duty of a chief magiſtrate to be deaf to every entreaty of mercy, and to learn, that with a rational and mild juriſprudence, the rigorous execution of the laws is the only virtue, which can add to his private dignity a public teſtimony of attachment to the lives and property of his fellow-citizens.

Thus have I endeavoured, my dear Sir, in the foregoing pages, to fulfil the object propoſed. I have, in the firſt place, furniſhed you with as correct an account as lay in my power, of the alteration of the penal laws of Pennſylvania—the cauſes which produced it—and the ſalutary conſequences reſulting from it, in effecting as well the wiſe and humane regulations in the *Philadelphia Priſon*, as the diminution of offences throughout Pennſylvania.

Secondly.

Secondly.—I have been led to conſider, among the diſadvantages flowing in different ages from ſanguinary codes of laws, that they have a tendency to increaſe rather than prevent crimes; and brought in ſupport of it the experience, firſt of the ancient Romans, then of modern European nations, and laſtly of our own country.

Thirdly.—I have aſcertained, why ſevere puniſhments, thus threatened and held up by a government, are leſs ſucceſsful in preventing crimes, than mild and moderate penalties; owing to the certainty of their execution being more precarious, from the humanity of proſecutors, the compaſſion of juries, judges, &c.

Fourthly.—I have thrown together a few other obſervations on the impolicy of the puniſhment of death, from its affording an example, calculated from its barbarity and injuſtice, to excite rather the indignation than terror of individuals; and from thence ſlightly touched on the abſurd and inconſiſtent conduct of legiſlatures, and particularly in their applying the ſame remedy or puniſhment in all caſes whatſoever.

Fifthly.—I have advanced, that the puniſhment of death is tyrannical, inaſmuch as no ſociety can hold a power over the life of one of its members, when the rights of ſociety are derived from thoſe of nature, and this right not exiſting in a ſtate of nature, even over our own lives. And admitting that every man had a power over his own life, that the preſervation of his exiſtence, above all others, was the principal inducement to his entering into civil ſociety.

Sixthly.—I have expreſſed a wiſh, that the taking of life may even be aboliſhed for murder; and propoſed a puniſhment more proper for the offence.

And

And laſtly.—I have, in taking a view of the criminal laws of other countries, further demonſtrated the ſuperiority of the Pennſylvanian code; a code, raiſed upon the fundamental principles of reaſon and equity, and which, for the beauty and ſymmetry of its parts, muſt ever command the admiration of the world. How gratifying a circumſtance muſt it appear to the tender and humane of every deſcription, that an example is at length given to long deluded mankind, embracing in one view ſo many noble objects. When we obſerve too, that it is the Emporium of Northern America, in which the corner-ſtone of ſo grand a ſuperſtructure has been laid, what pleaſure muſt it not afford every friend of freedom!—The deſpotic ſoil of Italy gave birth to the projector of the plan, a humane Beccaria: England, it is true, brought forth a Howard: but it is the clime of Pennſylvania, which can exult in the greateſt number of proſelytes to thoſe ornaments to philanthropy.—Yes, it is the public ſpirit and perſeverance of Pennſylvania's ſons, which alone ſeem to call the attention of the world to the practice of their glorious principles.—Nor is this the only inſtance, in which they have diſplayed themſelves in all the excellence of unexampled virtue. Their exertions have been no leſs indefatigable, in preparing an aſylum for the poor and helpleſs of all claſſes, and in their foundation and ſupport of charitable inſtitutions, unequalled, perhaps, in the world. Here the ſorrows of decrepid age are ſoothed by the ſpeedy relief of a comfortable abode; the needy orphan and widow no longer want a parent or protector; and no more are heard the diſtreſſing ravings of the unhappy maniac, to pierce the ears of human kind. In fine, it appears, that the genii of reaſon and true philoſophy have, after a long and tedious flight over the regions of the earth, at length lighted upon this ſpot as their reſidence; where, by coaleſcing

coaleſcing with the genius of humanity, they might be better enabled to lay down principles for the future regulation of mankind, and extend their influence to the utmoſt bounds of the habitable globe.

With every ſentiment of eſteem and affection,

Believe me,

My dear Sir,

Your ſincere Friend,

R. J. T.

APPENDIX.

APPENDIX.

The following Letter appeared in the City Gazette of CHARLESTON, *on the 27th February laſt, ſhortly after the foregoing Letter was publiſhed.*

Meſſrs. FRENEAU & PAINE,

WITH many of your readers, I participated in the pleaſure naturally excited by the account publiſhed in your paper, of the wiſe and humane regulations adopted in the Philadelphia priſon, and the abolition of cruel ſanguinary, and diſproportionate puniſhments, in the ſtate of Pennſylvania. Such a ſubject is not unworthy of the *juvenile* pen of its author; and the ſtyle and manner in which he conveys his ſentiments, evince a happy combination of virtue and talents.

The beneficent effects which flow from a mild penal code, founded in humanity and wiſdom, are perhaps the beſt argument that can be applied to thoſe who are advocates for the neceſſity of rigorous and ſanguinary puniſhments. I conceive it to be a true axiom, that the only object of puniſhment for tranſgreſſions of every deſcription, ought to be the prevention of crime, and the reformation of the

offender. For, to ſuppoſe ſociety actuated by a principle of revenge, would be to attribute to it a paſſion, which the moſt depraved individual would bluſh to acknowledge himſelf capable of. Yet, to take a view of penal laws in general, one would be naturally led to believe, that ſanguinary puniſhments were the effect of the moſt diabolical revenge, proceeding from the lawleſs command of an inſatiable, ſanguinary tyrant.

That the adoption of the penal code of England in this country, did not proceed from a conviction of its excellence, it is evident. It was merely the reſult of chance. And it is matter of much regret, that when this country did form a baſis of government for itſelf, and began a new era of things, that its legiſlature did not employ itſelf in digeſting a criminal code of laws appropriated to the new principles which it embraced.

In this code there are upwards of two hundred offences, wholly diſſimilar in guilt, which are deemed capital, and puniſhed with death. Such an inconſiſtency is too glaring to paſs unnoticed. And the frequent executions in England prove the fallacy and inutility of ſanguinary puniſhments in preventing crimes; as the mild regulations of the Quakers of Pennſylvania prove how much ſociety may be benefited by wiſe and humane laws.

It might, perhaps, be attended with much difficulty to form a juſt ſcale of puniſhment, which would apply in all caſes, for every denomination of offences; perhaps impoſſible: but in our penal code there is infinite room for improvement. And the neceſſity of apportioning, as nearly as poſſible, the penalty to the offence, that is, to the injury that ſociety ſuſtains, is an object of high importance, and worthy the particular attention of the legiſlature of South Carolina.

The effect of a wiſe ſyſtem of juriſprudence on the morals of ſociety, is probably not ſo well aſcertained as it may be hereafter. Mankind make but ſlow advances;

advances; and the effect of any change is not immediately visible. But finally the result of judicious and humane laws will be to diminish crimes, and facilitate the happiness of the community.

History, both ancient and modern, tells us that in all ages, crimes have increased in proportion to the severity of the penalties enacted to prevent them; and have decreased in an equal proportion, by the amelioration of those penalties. This is what experience teaches. But unfortunately for mankind, the voice of experience has not that influence on their conduct which it ought to have; and to this in a considerable degree they owe their misfortunes.

It is, in a great measure, owing to a mistaken predilection in favour of every custom which can boast of antiquity, that mankind have so long wandered in the inexplicable mazes of ignorance, error, and consequent misfortune; that they prefer savage and barbarous customs, to those which experience and wisdom would recommend. But notwithstanding this deplorable remissness, seemingly incident to human nature, it is a consolation to the friends of humanity, that there is an apparent proximity towards improvement manifested in every thing. And though the progress of knowledge be slow, it is certain and efficacious, and cannot readily be supplanted after it has taken root.

VOLNEY.

Letter from the Author to the Editors of the City Gazette of CHARLESTON.

Gentlemen, Philadelphia, *March 25th*, 1796.

THE Gazettes you have thought proper to tranſmit me, containing the publication of my *Obſervations on the Philadelphia Priſon, &c. in a Letter to a Friend*, came to hand laſt evening; and permit me, by this opportunity, to thank you for them, as alſo for your approbation accompanying them. I confeſs I was not a little ſurpriſed to obſerve the letter communicated to the public.

The occaſion of thoſe obſervations was a viſit to that inſtitution, which gratified me ſo much, that I immediately ſat down, and attempted to convey to the mind of one with whom I have long been in habits of intimacy and friendſhip, the ſame pleaſant impreſſion of its wiſe and humane adminiſtration. While ſuch were my intentions, it had not at any one time occurred to me, that they would have made an appearance in a public print, or I ſhould certainly have not avoided the ſending with them ſuch proofs, as might be neceſſary to eſtabliſh the ſalutary effects which have iſſued from the alteration of the former penal code of Pennſylvania, and from the new arrangements adopted in conſequence of it in the priſon of this city. This, however, for another opportunity.

The ſubject, Gentlemen, is certainly of that nature, as by no means to have merited the apathy with which it has heretofore been treated, and eſpecially in American States, whoſe governments ſhould, of all others, proceed with the utmoſt deliberation towards the organization of laws, which may affect the life of a ſingle citizen. What then would be more intereſting, than if men of real talents and influence amongſt us, were to devote a ſmall degree of attention to the pleaſing taſk—no leſs a one than the preventing the

uſeleſs

uſeleſs effuſion of human blood? It is principally from the aid of theſe characters, that recommendations can command their juſt weight of reſpectability. I ſhould be happy to obſerve them ſtep forward, from the benefits they might entail on poſterity.

It is, nevertheleſs, a matter of no ſmall conſolation to the humane of every deſcription, to obſerve a work of reformation gaining ſtrength, which *once* matured, muſt from the experience of this country alone, contribute perhaps to the happineſs of millions hereafter. The General Aſſembly of New York, have, a few weeks ago, aboliſhed the puniſhment of death, for every crime except murder and treaſon. That of New Jerſey have, on the 18th inſtant, ſuppreſſed it in *moſt* caſes; and the legiſlatures of other ſtates ſeem ſo far convinced of the importance of the ſubject, that they have directed inquiry to be made, as to the effects a ſimilar meaſure would be likely to produce. For my own part, I have not a doubt but what a congeniality of legiſlative ſentiment, in this reſpect, will ſoon become general throughout the union; and indeed feel a ſatisfaction in believing, that the period is not far diſtant, when the unprejudiced of all nations, will, with one aſſent, ſubſcribe to the juſtice and policy of *mitigation in puniſhments*.

With a full perſuaſion that the recommendations of your executive will meet with the approbation of the legiſlature of South Carolina, and a wiſh that every *jail government* in the world may, like that of the Philadelphia priſon, reſt on the grand truth of,—"*Vitiorum ſemina—otium—labore exhauriendum;*"

Believe me, Gentlemen,

With due reſpect,

Your obedient ſervant,

R. J. T.

Meſſrs. Freneau & Paine,
Charleſton, S. Carolina.

Extract

Extract of a Letter on the ſame ſubject, dated February 20th, 1796, from a reſpectable character in London, holding an appointment under the American Government, to CALEB LOWNES, *an Inſpector of the Priſon, and one of the earlieſt friends to the reform.*

HOW comes on the Philadelphia Penitentiary Houſe? I ſee the ſucceſs of your plan highly ſpoken of in the Governor's addreſs to the legiſlature, which gives me ſincere and lively pleaſure.—I rejoice to find alſo, that the attention of Congreſs has been turned to the ſubject—that there is a proſpect of their penal code being ameliorated, and of the ſame reſpect being paid, in the laws of the Union, to the preſervation of life, and the *prevention* of crimes, as in the laws of individual ſtates. What a reflection is it on the humanity, nay, indeed, on the wiſdom and policy of the rulers of ſtates and nations, that ſo little attention ſhould have been given, and ſuch faint exertions made, to *reform* rather than to *extirpate*—to *reclaim* rather than to *puniſh!* I moſt ardently hope, that we may both live to ſee the day (and that at no diſtant period) when, by the diffuſion of knowledge—the increaſing influence of the moſt liberal philanthropy—but more eſpecially by a true *underſtanding* and *practice* of genuine unadulterated Chriſtianity, man may learn to love and *do good* to his fellow-man—and the *puniſhment of death* be for ever aboliſhed.

Convinced as I am, that ſociety has *no right* to take away the life of a citizen, I am alſo perſuaded, that the period is rapidly approaching, when governments will think it as *impolitic* as it is wrong, to exerciſe this aſſumed power.

PUNISHMENTS

PUNISHMENTS for ſeveral Heinous Offences, as eſtabliſhed by the Laws of *Pennſylvania*.

CRIMES.	QUALITY of PUNISHMENT.	QUANTUM of PUNISHMENT.
Rape	A Compound of Hard Labour and Solitary Confinement.	For any Period not exceeding 21, nor leſs than 10 Years.
Murder of the ſecond Degree—Petit Treaſon	Ditto	Ditto 18, Ditto 5
Counterfeiting, or uttering counterfeit Gold or Silver Coin—Forging or uttering forged Bank Notes	Ditto	Ditto 15, Ditto 4
High Treaſon	Ditto	Ditto 12, Ditto 6
Arſon	Ditto	Ditto 12, Ditto 5
Maliciouſly maiming—voluntary Manſlaughter	Ditto	Ditto 10, Ditto 2
Burglary—Robbery—Crimes againſt Nature	Hard Labour,	Ditto 10,
Horſe Stealing	Ditto	Ditto 7,

N. B. The Solitary Confinement cannot be leſs than one-twelfth, nor exceed one-half, of the whole Term of Confinement. *Maliciouſly maiming*, beſides Hard labour, and Solitary Confinement, is attended with a Fine, not to exceed 1000 Dollars, three-fourths of which to go to the party grieved.—For *Horſe Stealing* likewiſe, and *all Larcenies*, there muſt be a Reparation to the Value of the Thing ſtolen, and alſo a Fine to the Commonwealth.

A TABLE of OFFENCES committed in the City and County of PHILADELPHIA, from Jan. 1, 1787, to June, 1791, being a Period of the last 4 Years and 5 Months under the old Criminal System.

PERIODS.	OFFENCES COMMITTED.																
	Murder	Burglary	Robbery	Forgery	Counterfeiting	Horse Stealing	Bigamy	Larceny	Misdemeanors. 1st Degree	Misdemeanors. 2d Degree	Receiving stolen Goods 1st Degree	Receiving stolen Goods 2d Degree	Defrauding	Violent Assault to kill	Harbouring Convicts	Keeping Disorderly Houses	
From Jan. 1st, 1787, to May 1st, 1788,		20	20	5				122	2	6	7					3	186
May 1st, 1788, to May 1st, 1789,		24	5			4		57		4	9	2		5	2	1	113
May 1st, 1789, to May 1st, 1790,	6	13	10		3	1		82	2	3	3	3	3		3	2	134
May 1st, 1790, to June, 1791,	3	20	4		3	5	1	113			7	1				4	161
																Total Number of Offences	594

N. B. Deduct from this Table 12 Offences, which ought more properly to be put down to other Counties.

A TABLE of OFFENCES committed in the State of PENNSYLVANIA, from June, 1791, to Oct. 27, 1795, being a Period of the firſt four Years and five Months under the New Syſtem of Laws.

PERIODS.	OFFENCES COMMITTED.																	
	Manſlaughter.	Rape	Arſon	Bigamy	Burglary	Robbery	Forgery	Counterfeiting	Horſe Stealing	Larceny	Miſdemeanors 1ſt Degree	Miſdemeanors 2d Degree	Receiving Stolen Goods 1ſt Degree	Receiving Stolen Goods 2d Degree	Defrauding	Keeping Diſorderly Houſes	Concealing the Death of a Baſtard Child	
From June, 1791, to June, 1792,	1				2	2			7	42	1			1	2			65
June, 1792, to June, 1793,	2				11	1	7	1	1	40		1	1	2	1			61
June, 1793, to June, 1794,	1				2		3	1	15	34	2			1		2		61
June, 1794, to 27 Oct. 1795,	1		1	1	1	2	3	3	5	88		2		3		2	1	114
Total Number of Offences,																		301

N. B.—Since the commencement of this Period of four Years and five Months, the Convicts from all the different Counties in the State have been ſent to the Priſon of Philadelphia. Formerly they were not.

Remarks

Remarks on the two foregoing Tables of Crimes.

THESE are tables of crimes and not criminals. There were 484 perſons convicted of the foregoing offences, under the *law for public and diſgraceful treatment*—and 245 under the *preſent* ſyſtem (ſo far only it muſt be remembered as March, 1795), making in the whole 729—of theſe 27 only have been again convicted, 15 men and 12 women—and but 5 of the 729 have been convicted a *ſecond* time for the laſt four years under the new ſyſtem, 1 for horſe-ſtealing and 4 for larcenies; whereas the books of the priſon will ſhew that 184 perſons were frequently convicted under the old law; all of whom had been conſtantly engaged in committing offences againſt ſociety, and followed no other mode of living, and had frequently broke jail or eſcaped from their keepers—94 were convicted divers times for committing 249 crimes, and chiefly of the moſt daring and dangerous nature, being confeſſedly the moſt atrocious characters in the country. There were others of equally dangerous characters, who do not appear to have been convicted more than once, but who were well known to have been engaged in the buſineſs regularly; of theſe there were about 80, the remaining 10 do not appear to have been quite ſo bad. The jail books again prove, that of 594 crimes committed in four years under the old law, 346 were committed by theſe 184 characters; a number ſufficient to diſturb any community; and it appears that they were the principal agents in the buſineſs—67 broke jail, and 37 eſcaped from their keepers, and when at work abroad. Averaging the 94 who were reconvicted twice and oftener, at three times, will make 282 out of 484, and ſay 90 others, who are known to have been engaged in this work, will give the greater part of the offenders who had ſo long troubled ſociety.

From

From theſe tables alone it appears, that ſince the late improvements in the penal code, offences have diminiſhed in a proportion of about one half, and when we recollect, that the firſt table contains the offences of the city and county of Philadelphia only, we may pronounce that they have decreaſed throughout the whole ſtate nearly two-thirds—The two periods are equal, and the latter commences from 1791, from the new diſcipline not having taken place previous to that time. The moſt material point gained with reſpect to offences, is the diminution of the moſt heinous ones, which are ſtill in a greater proportion. They ſtand in the tables as follows:

	Under the old Syſtem in the City and County.	Under the new Syſtem in the whole State.
Burglary	77	16*
Robbery	39	5
Murder	9	0
Arſon	0	1
Rape	0	1
Bigamy	1	1
Total	126	24

The following Facts early furniſhed by Mr. Lownes, were omitted by the Author when the Sheets in which they might have been more properly introduced had gone to Preſs. Thinking them intereſting, he has preferred placing them out of Order, to withholding them from the Public.

AT the time of the yellow fever, in 1793, great difficulty was found in obtaining nurſes and attendants for the ſick at Buſh-hill hoſpital. Recourſe

* Only 4 of theſe 16, were committed in the City and County.

was

was had to the priſon. The requeſt was made, and the apparent danger ſtated to the convicts. As many offered as were wanted—They continued faithful till the dreadful ſcene was cloſed—none of them making a demand for their ſervices till all were diſcharged.

One man committed for a burglary, who had ſeven years to ſerve, obſerved, when the requeſt was made to him, that having offended ſociety, he would be happy to render it ſome ſervices for the injury; and if they could only place a confidence in him, he would go with cheerfulneſs.—He went—he never left it but once, and then by permiſſion to obtain ſome articles in the city. His conduct was ſo remarkable as to engage the attention of the managers, who made him a deputy-ſteward; gave him the charge of the doors, to prevent improper perſons from going into the hoſpital, to preſerve order in and about the houſe, and to ſee that nothing came to or went from it improperly. He was paid, and after receiving an extra compenſation, at his diſcharge married one of the nurſes. Another man, convicted of a robbery, was taken out for the purpoſe of attending a horſe and cart, to bring ſuch proviſions from the vicinity of the city, as were there depoſited for the uſe of the poor, by thoſe who were afraid to come in. He had the ſole charge of the cart and conveying the articles, for the whole period. He had many years to ſerve, and might at any time have departed with the horſe, cart, and proviſions. He deſpiſed, however, ſuch a breach of truſt, and returned to the priſon. He was ſoon after pardoned, with the thanks of the inſpectors.

Another inſtance of the good conduct of the priſoners during the ſickneſs, happened among the women. When requeſt was made of them to give up their bedſteads, for the uſe of the ſick at the hoſpital, they *cheerfully offered* even their bedding, &c. When a ſimilar requeſt was made to the debtors, they *all refuſed.*

A criminal,

ABSTRACTS taken from GENERAL STATEMENTS of the Amount of Labour done by each Convict, and at what Occupation, in the Prison for the City and County of Philadelphia, for three successive Quarters, commencing from 31st October, 1795; together with the Amount of Provisions, Clothes, &c. furnished each Convict for the Quarters during the same period; which General Statements are contained in three Quarterly Reports, made to the Board of Inspectors by the Clerk of the Prison, on the 1st Feb. 1st May, and 1st Aug. respectively.

No. I.

RECAPITULATION of the general Statement for the Quarter, commencing 31st Oct. 1795, and ending 31st Jan. 1796.

Convicts debited aggregately.

For diet and lodging, jailer's and keepers salaries, wages of attendants of every kind, physician's bill, &c.	£644	10	5
Shoes furnished	21	11	10
Clothes ditto	65	8	5
	£731	10	8

Convicts credited aggregately.

For work done in prison nail factory	£125	16	9
Sawing Marble	189	3	8
Grinding plaster of Paris	68	18	0
Making Shoes	18	1	10
Carpenter's work	47	8	0
Weaving	37	12	10
Spinning	45	1	8
Cooking, barber's work, sweeping and washing	64	8	4
Chipping logwood	14	1	4
Turning and picking oakum	21	7	0
	£631	19	5
To which add for stone sawed in January, but not measured till February	104	0	10
	£736	0	3

So that there appears, on the statement of the convicts accounts aggregately, to be a balance of £4 9 7 in their favour, or that sum more to their credit than they are charged with.

BASIL WOOD, Clerk.

Feb. 1st, 1796.

N. B. *All the Accounts are in Pennsylvania Currency.*

No. II.

RECAPITULATION of the general Statement for the Quarter, commencing 1st Feb. and ending 1st May, 1796.

Convicts debited aggregately.

For diet and lodging, jailer's and keepers salaries, wages of attendants of every kind, physician's bill, &c.	£552	11	3
Clothes furnished	97	8	6
Shoes ditto	29	3	10
	£679	3	7

Convicts credited aggregately.

For work at the nail factory	£205	8	1
Stone sawing	390	4	11
Grinding plaster of Paris	41	15	0
Shoemaking	35	7	3
Weaving	47	17	6
Spinning	46	9	3
Cooking, barber's work, sweeping and washing	44	17	0
Chipping logwood	7	10	8
Turning oakum	14	12	0
Carpenter's work	16	13	0
	£850	14	8

From this statement it appears, that there is a sum of 171l. 11s. 1d. in favour of the convicts aggregately.

BASIL WOOD, Clerk.

May 1st, 1796.

No. III.

RECAPITULATION of the general Statement for the Quarter, commencing 1st May, and ending 1st August, 1796.

Convicts debited aggregately.

For diet and lodging, jailer's and keepers salaries, wages of attendants of every kind, physician's bill, &c.	£644	17	6
Shoes furnished	31	13	10
Clothes ditto	67	12	0
	£744	3	4

Convicts credited aggregately.

For work in the nail factory	£109	12	3
Sawing marble	444	18	1
Shoemaking	32	16	0
Work on new buildings in the prison yard	60	16	6
Taylors, weavers, and spinners	116	0	6
Cooking, washing, barber's work, &c.	66	16	0
Carpenter's work	20	0	6
Chipping logwood	11	11	6
Turning oakum, &c.	8	0	0
	£870	11	4

There appears, from the foregoing statement, a sum of 126l. 8s. 0d. to the credit of the convicts, after having paid every cost of keeping, diet, and clothes, for and during this last quarter.

BASIL WOOD, Clerk.

August 1, 1796.

REMARKS.

TO most persons it may seem strange, that the balance due to the convicts in Abstract, No. 3, for the last three months, should not be as considerable as the sum which appears in their favour from that of No. 2. for the preceding quarter. This is accounted for as follows: since the first of May, the inspectors have had their attention turned to the making of new arrangements for the better accommodation of the prisoners. The principal are, the erection in the prison yard, of an elegant and extensive range of buildings of two stories, supported by arches, in the form of five sides of an octagon. In order to make room for these, the wooden building, in which the nail manufactory was carried on, had been taken down and removed, and some time elapsed before it could be re-established. The reader, by adverting to the account in Abstract, No. 3, will readily perceive the principal deficiency to be in the item *for work done in the nail factory*. The men employed in this branch of labour, were not only thrown out of an employment affording higher wages than any which could arise from their assistance to the raising or removing buildings, but they actually and necessarily impeded, from the quantity of rubbish and materials then in the yard, the industry of such as were following other occupations. But notwithstanding these obstacles, and the balance in favour of the convicts being *aggregately* not so great as for the quarter preceding the first of May, yet their labour has been *evidently* greater, and the value of it more by 19l. 16s. 8d. The whole deficiency aggregately does not proceed from a decrease of their industry, but from a *more than ordinary* increase of the *debits*; owing, first, to the summer season being the most unhealthy, and the consequent *additions* to the physician's bill; secondly, to the sick convicts being still *charged* as usual; and thirdly, to several new convicts being committed so late as three weeks before the expiration of the last quarter, who were *also supported*, but could not labour till every necessary arrangement was made for their admission among the other convicts; such as preparing for them proper employments, separately lodging for a number of days for fear of infectious diseases, &c.

Let it not be supposed however from what has been said, that the industrious convicts are burthened with the expense of those, who from sickness or other circumstances do not support themselves.—The reader must keep in mind, that the statement from which these three recapitulations are taken, are statements of the charges against each individual convict for three months, with his services during that period; whereas the *recapitulations* merely shew the *aggregate* debits and credits of the criminals. So that however these debits may increase taken *aggregately*, they cannot affect the convicts *individually*. The account of every person is kept distinct, and some appear to have larger balances than others, while few are in arrears. In what manner then, it may be asked, is the prison treasury to be repaid for the disbursements of these few? The answer is, from a fund formed as follows. The first charge in the accounts *for diet and lodging, &c.* is 5l. 15s. 0d. per quarter for every male, and 3l. 7s. 6d. for each female convict; a charge found to be more than sufficient to defray all these expenses, and therefore the overplus makes part of this fund. The convicts again can only receive one half of the balance * which remains in their favour, after making the necessary deductions for the costs of prosecution, trial, &c. The other moiety is thrown into the same fund. These alone generally reimburse the prison treasury for the arrears of the sick or other convicts. But the most important fund in the prison, is that, formed from the profits on the different establishments in the house. Hitherto and in these statements we have only considered the inspectors in the capacity of procuring employments for the convicts. We are now to view them in a different character—in the character of persons concerned in a variety of trades and manufactories, who have greater opportunities of profit than other persons can have, as they are always able to procure workmen at a more reasonable price than can be had elsewhere in the city. What the annual amount of this profit is, has not as yet been exactly ascertained, as no account was ever made out of the expences attending the whole establishments. A special committee from the board are now engaged in the business. Were their report finished it would have been interesting to annex to this work. A general idea however of some of the profits can be given from examining the accounts which I shall state.

* Most of the board have a doubt, and a reasonable one, whether the convicts are not entitled to the *whole* balance under the law.

The principal establishment is that of the nail factory. In this factory are now made, taking one quarter with another, at least 53,000 wt. of nails, the clear profits on which after paying the labour of the convicts, wearing of tools, &c. are at a low calculation, estimated at one and an half pence per pound, or a yearly income of 1325l. On the logwood, which is bought in the bulk, and afterwards chipped and sold to the dyers or hatters, there is a clear produce of about 3l. 10s. per ton, and about 6 tons sold in the quarter. Plaster of Paris, an article of value when ground, yields a clear produce of two shillings and four pence per bushel, and 25 bushels milled per day. It would be tedious to enumerate all the articles; suffice it to say, that weaving, spinning flax, making shoes, picking oakum, &c. all yield more or less a considerable clear profit to the prison. The marble is the only material of consequence that does not altogether make a part of the stock belonging to the house. Very little is sawed on their own account. The inspectors seem averse to engaging too great capitals in purchasing materials, and especially when they can otherwise procure employment for their people. Marble sawyers are generally in demand in Philadelphia. But even on what is sawed by contract for other persons, the house derives not a trifling gain. The inspectors pay the convicts only 1s. 6d. per foot, deducting 4d. for procuring of the sand and implements to saw it. These expenses at the utmost amount not to more than 3d. So that a penny clear profit on 18000 feet, the usual quantity sawed in the year, amounts to 75l.

From the foregoing then, we may collect three indisputable and important facts.

1st. That the convicts alone, defray by their labour, every expense they occasion the public.*

2dly. That they not only support themselves, but pay the salaries of all the officers and attendants about the prison: and no money being drawn from the public funds, for the payment of these salaries, that they consequently save the government nearly the amount of them; for were there not a single convict in the prison, there must be a jailer and keepers, for the purpose of confining vagrants, &c.

3dly. That, above all, they enrich the public with the annual, clear, considerable revenue, already mentioned to arise from the profits on their different manufactories and trades in the prison.

* In page 60, line 4, I mentioned that *the money was simply advanced by* the public. This I find only relates to the vagrants and accused persons.

A criminal, one of the deſperate gangs who had ſo long infeſted the vicinity of Philadelphia, for ſeveral years before the alteration of the ſyſtem, on being diſcharged, called upon one of the inſpectors, and addreſſed him in the following manner: "Mr. ——, I "have called to return you my thanks, for your kind-"neſs to me while under ſentence, and to perform a "duty which I think I owe to ſociety, it being all in my "power at this time to afford. You know my con-"duct and my character have been once bad and loſt, "and therefore whatever I might ſay would have "but little weight was I not now at liberty. Purſue "your preſent plan, you will have neither burglaries "nor robberies in this place." He then ſtated the ſentiments held by thoſe characters who had devoted themſelves to this mode of life, and the plans generally purſued by them. The certainty of conviction and the execution of the ſentence—the *privations*, temperance, order, labour, &c. was more to be dreaded than any thing they had ever experienced.—He obſerved at parting, that he ſhould never trouble the inſpectors more. This promiſe has been fully complied with.

ABSTRACTS

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